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Security Council

Seventy-third year

Provisional

8416th meeting
Tuesday, 11 December 2018, 10.05 a.m.
New York

President:	Mr. Adom	(Côte d'Ivoire)
Members:	Bolivia (Plurinational State of)	Mr. Miranda Rivero
	China	Mr. Liu Yang
	Equatorial Guinea	Mr. Ndong Mba
	Ethiopia	Ms. Habtemariam
	France	Mrs. Gasri
	Kazakhstan	Mr. Temenov
	Kuwait	Mr. Albanai
	Netherlands	Mr. Van Oosterom
	Peru	Mr. Meza-Cuadra
	Poland	Ms. Wronecka
	Russian Federation	Mr. Kuzmin
	Sweden	Ms. Schoulgin Nyoni
	United Kingdom of Great Britain and Northern Ireland	Mrs. Dickson
	United States of America	Mr. Cohen

Agenda

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2018/569)

Letter dated 19 November 2018 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2018/1033)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2018/569)

Letter dated 19 November 2018 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2018/1033)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to participate in this meeting.

On behalf of the Council, I welcome Her Excellency Ms. Nela Kuburović, Minister of Justice of Serbia.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, and Mr. Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2018/569, which contains a note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals.

I also with to draw attention of the Members to document S/2018/1033, which contains a letter dated 19 November 2018 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council.

I now give the floor to Judge Meron.

Judge Meron: Today marks my final appearance before the Security Council as President of the International Residual Mechanism for Criminal Tribunals. It has been a profound privilege to serve in this role since the founding of the institution, and it is an honour for me to provide my last briefing to the Council on the progress of the work of the Mechanism.

(*spoke in French*)

Before doing so, I would like to congratulate His Excellency Mr. Adom, Ambassador of the Côte d'Ivoire, on his country's accession to the presidency of the Security Council and wish him every success in that role.

(*spoke in English*)

I would also like to take this opportunity to convey my deep appreciation for the considerable attention and commitment shown by the members of the Council's Informal Working Group on International Tribunals both now, under Peru's expert leadership, and during the many years that I have been appearing before the Council. The support and engagement of the Working Group has been invaluable to the success of the Mechanism and, before that, of the International Criminal Tribunals for Rwanda and for the former Yugoslavia. Finally, as always, I must underscore my tremendous gratitude for all of the assistance provided to the Mechanism by the Office of Legal Affairs, as well as to the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares, and the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias, and their dedicated teams.

Over the past six months, notwithstanding a challenging budgetary situation and the myriad operational consequences engendered thereby, the Mechanism continued to make significant strides in the conduct and completion of the mandate entrusted to it by the Council. From the provision of vital assistance to national jurisdictions to the methodical preservation of materials in the archives, and from the sustained protection afforded to vulnerable victims and witnesses to the enforcement of sentences across two continents, the Mechanism and its staff continued to carry out key residual functions inherited from its predecessor Tribunals with steadfast professionalism. In that context, I wish to pay special tribute to the Mechanism's Registrar, Mr. Olufemi Elias, for his leadership, abiding integrity and excellent stewardship of our institution during this challenging period.

The Mechanism reached several important milestones during the reporting period. After in-depth internal and external consultations, the Mechanism adopted the Rules of Detention to govern detention

matters both in Arusha and The Hague. Those Rules, together with the related regulations, came into effect last week. Alongside the recent amendments to the Rules of Procedure and Evidence, and the continual review and revision of other policies pertaining to a wide range of judicial and non-judicial activities, the adoption of the Rules of Detention reflects the Mechanism's unceasing attention to finding ways to improve its methods of work and serve as a model for courts in other jurisdictions. The Mechanism's activities in that respect benefited greatly from the engagement and recommendations of the Office of Internal Oversight Services during the course of the evaluation of the Mechanism, which was completed last spring, as well as in the context of regular audits.

In another significant milestone, the Mechanism held its first judicial hearing at the new, custom-built courtroom in Arusha in September. That hearing, which saw an initial appearance by the five individuals accused in the new contempt case *Prosecutor v. Maximilien Turinabo et al.*, went very smoothly — testament to both the exceptional efforts of Mr. Elias and his team and the invaluable cooperation of the Government of Rwanda in carrying out the arrest and transfer of those accused. That development is also an important demonstration of the Mechanism's readiness for when the remaining fugitives indicted by the International Criminal Tribunal for Rwanda are apprehended.

I had hoped to stand before the Council here today and announce another significant milestone, this time in the case *Prosecutor v. Radovan Karadžić*, as the projection had been to deliver the judgment in that case this very month — significantly earlier than previously forecast. As the Council may be aware, however, changes were made to the composition of the Appeals Chamber benches in both the *Karadžić* case and the case of *Prosecutor v. Ratko Mladić*, following motions for the disqualification of certain Judges, including myself.

I regret that I am no longer in a position to see the *Karadžić* case through to its conclusion, as had been my aim. Nonetheless, as set forth in my decision to withdraw from the bench in that case, and while I would have continued to adjudicate with an impartial mind had I remained on the case, I considered it to be in the interest of justice that I withdraw in order to not allow the then-pending disqualification proceedings to impede the progress of the appeals in the case. I am pleased to inform the Council that, notwithstanding the changes in the bench composition, it is expected that the appeal judgment in the *Karadžić* case will be delivered in the first quarter of 2019, just a short time later than previously projected.

In the *Mladić* case, meanwhile, the briefing recently concluded. The changes in the bench composition in that case are not expected to delay the rendering of the judgment, which, prior to the briefing process, had been projected for completion by the end of 2020. Proceedings in the review case *Prosecutor v. Augustin Ngirabatware* took an unanticipated turn during the reporting period, with the postponement of the hearing that had been scheduled for September. The hearing was postponed at Mr. Ngirabatware's request, in the light of the material disclosed following the arrest of the five accused in the *Turinabo et al.* case and was recently been rescheduled. A variety of pre-trial matters are also being litigated in the new *Turinabo et al.* case before a single Judge, who just last week issued a decision declining to refer the case for trial within a national jurisdiction.

In another contempt case — the case *Prosecutor v. Petar Jojić and Vjerica Radeta* — a single Judge granted such a referral within a national jurisdiction and an appeal on that ruling is currently pending before the Appeals Chamber. In the meantime, the retrial of the *Prosecutor v. Jovica Stanišić and Franko Simatović* case is proceeding apace, as is the work that the Mechanism Judges carry out on a variety of smaller, ad hoc requests pertaining to everything from the protection of vulnerable victims and witnesses to access to confidential materials. In that context, I would like to underscore my deep gratitude to my fellow Judges for their dedication to our work and institution. I likewise wish to express my thanks to the Council for its efforts to ensure that the current vacancies on the Mechanism's judicial roster will be filled expeditiously.

As I have spent the waning weeks of my presidency consulting with my successor and taking all possible steps to ensure a smooth transition to the presidency of my friend and colleague, Judge Carmel Agius, I have also had the occasion to pause and reflect on all that has been achieved during the nearly seven years that I have served as this institution's President. I would not be human if I did not have certain regrets in that regard. I regret, of course, that the *Karadžić* appeal judgment will not be delivered during my tenure as President, and that the disqualification decision in the *Mladić* case departed from established jurisprudence.

I also regret that a suitable and sustainable solution for the resettlement of the acquitted and released persons in Arusha has not been found, notwithstanding mine and my colleagues' best efforts and the engagement of the members of the Council on this issue. The Council's continued focus and the cooperation of key Member States are essential if this problem is to be resolved once and for all.

I likewise regret that, notwithstanding the best of intentions and goodwill, we have yet to fully achieve the harmonization of practices and procedures across the Mechanism's two branches. Our aim, from the beginning, was to have a single, unified institution on two continents. While that goal has been achieved in a great many respects, challenges still persist and may continue for some time.

It is, in many ways, inevitable that some judicial rulings are met with negative reactions, particularly where those rulings pertain to controversial issues. I have always been, and always will be, guided by the law and by evidence in reaching my judicial rulings — nothing more and nothing less. Nonetheless, I regret that some of my rulings on matters such as early release have caused pain or concern for victims and their communities. In that respect, I have reflected at length on the issues raised in the Security Council plenary meeting last June (see S/PV.8278) and I have taken concrete steps to address the concerns reflected in resolution 2422 (2018) — such as by inviting certain convicted persons to undertake to abide by certain conditions if granted early release — while ensuring fundamental fairness and continued adherence to the Mechanism's governing legal framework.

For me, it remains a profound regret that a different and better resolution of the situation of my former colleague Judge Aydın Sefa Akay was not found. At a time when the world is facing deeply troubling trends related to the undermining of independent judiciaries and the weakening of the rule of law, we at the United Nations simply cannot afford to be anything less than exemplary when it comes to our own handling of interference with judicial independence and actions undertaken in contravention of United Nations immunities. At the very least, it is imperative that, going forward, fair and transparent processes be developed to determine whether any proposed non-reappointment of a Judge accords with the fundamental principles of the rule of law.

Despite all those regrets, I am also exceptionally proud of what has been achieved at and by the Mechanism over the past almost seven years. It was during my tenure as President that the Mechanism came into being; the Rules of Procedure and Evidence were first adopted; the Judges sworn in; and the branches in Arusha and The Hague first opened. Systems and policies to support the Judges as they carried out their judicial work remotely were put in place and repeatedly revised and refined over the years, reflecting our continued focus on improvement, efficiency and economy. A broader legal and regulatory framework was established for the Mechanism, which was also — and continues to be — refined and augmented as needed. Moreover, my fellow Judges and I adopted a groundbreaking Code of Professional Conduct for Judges — something our predecessors had never done before — and we proceeded to revise the Code to provide a disciplinary process: a reflection of the importance of accountability in all aspects of our work.

During my tenure, in full cooperation with colleagues at the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY), responsibility for judicial activities — as well as non-judicial residual functions — was transferred from those Tribunals and carried out smoothly and to the highest standards at the Mechanism. The Mechanism took the steps needed to stand on its own, without the assistance of its predecessors, and to realize its own administrative capacity, spanning a wide range of functions and tasks. In the meantime, hundreds upon hundreds of judicial rulings were issued, addressing a wide range of requests, and every effort was taken to ensure that judicial work was conducted in a timely and cost-effective manner, in keeping with the Council's vision for the institution. Indeed, we have shown that the new model by which Judges work remotely can function efficiently and economically and in full compliance with due process requirements.

That is not all — thanks to the exceptional generosity of the Government of the United Republic of Tanzania and engagement with local companies — the Mechanism was able to construct a new, minimalist facility in Arusha, consistent with the institution's mandate to be small and efficient. We have started important traditions at those new premises, hosting a judicial colloquium for national, regional and international Judges and visits by a wide range of

officials seeking to learn from our practices, as well as inaugurating an annual event designed to bring international and regional organizations and the local community in Arusha together. We have also maintained and made accessible one of the leading law libraries in the region.

We have given back in important ways at The Hague branch as well, both at our historic premises there and through collaboration with victims' associations and the new ICTY Information Centre in Sarajevo. During a recent visit to the former Yugoslavia, I met with senior Government officials in Croatia, Bosnia and Herzegovina and Serbia, and I was pleased by the cooperation received on different fronts, including in particular the positive indications given in both Croatia and Serbia with regard to the establishment of information centres in those countries as well. Of course, at both branches we continue to make important strides in making the judicial records and key precedents of our predecessor Tribunals accessible.

All the while, my colleagues and I have made it a priority to build an exemplary United Nations institution and a model of what an international criminal judicial institution can and should be. Our remarkable body of staff, drawn from approximately 70 countries around the world, has repeatedly surpassed the Secretary-General's gender parity goals. Through their professionalism and ingenuity, their resourcefulness and resilience, the staff have been invaluable when it comes to making the Mechanism what it is today.

In that context, I wish to salute in particular Ms. Gabrielle McIntyre, Chef de Cabinet and Principal Legal Adviser at the Mechanism since its founding and the Chef de Cabinet to the Presidents of the ICTY for more than a decade. As a senior official of the ICTY since 2004, she played a pivotal role in the conceptualization and creation of the Mechanism, and she has proven to be an invaluable colleague and leader at the Mechanism throughout the institution's existence. I am deeply indebted to her and her Deputy Chef de Cabinet, Ms. Willow Crystal, as well as to all of the excellent staff of the Mechanism, who have made the institution what it is today.

As I bring my remarks to a close, I hope the Council will allow me one final moment of personal reflection. I may be among the last individuals to appear before the Council who survived the Holocaust. I do not speak lightly or often of this time in my life — a period during which many of my loved ones perished — but I wish to remember it today because it was the horrors of the Holocaust, and of the Second World War more broadly, that led us to where we are now. It was the experience of the scourge of war and the untold sorrow it wrought that led the peoples of the world to unite in a ringing call to reaffirm faith in fundamental human rights, human dignity and the value of justice and the rule of law through the establishment of the United Nations. It was that experience that led to the Universal Declaration of Human Rights, which marked its seventieth anniversary only yesterday, and it was, in many ways, the echoes of all that that led to the establishment of the ICTY and the ICTR — the pioneers of international criminal justice in the modern era.

Today, in speaking of the work of the International Residual Mechanism for Criminal Tribunals, we often make reference to the importance of incorporating lessons learned. But the Mechanism itself, as it carries forward the invaluable legacies of the ad hoc Tribunals, is a symbol of the lessons learned by past generations. It is a symbol of what we hold dear: respect for the rule of law, fundamental fairness and justice and adherence to the highest principles and our obligations arising thereunder.

It is a reminder of the thread of human events that connects our work today with those dark days of unimaginable cruelty and chaos from the Second World War. It is a reminder that none of us may stand idly by while genocide and other violations of international law are committed, or while their commission is denied. It is a reminder today of the chorus of generations — from the Poland of my childhood to the former Yugoslavia and Rwanda, to so many other places around the world — that, when faced with appalling atrocities, proclaimed "never again". We must heed those lessons, lest we be doomed to repeat them. The leadership of all those present here today, and the Council as a whole, is essential in that regard, as my generation passes on the torch.

For the support that the members of the Security Council have offered me throughout my presidencies of the Mechanism and, before that, the ICTY, and for the support that the Council has provided and will continue to provide to the Mechanism itself, I am humbly and deeply grateful.

The President (*spoke in French*): I thank President Meron for his briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: I thank you, Mr. President, for this opportunity to address the Security Council about the activities of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals. My written report provides details about our activities and results during the reporting period in relation to our usual three priorities (S/2018/1033, annex II).

Today I would like to highlight only a few important issues. However, at the outset, I would like to take this opportunity to recognize President Meron and express my Office's appreciation for his service. President Meron has led the Mechanism since its establishment, in July 2012, and greatly shaped our institution during its first years of operations.

My Office continues to focus on expeditiously completing the limited number of trials and appeals transferred from the International Tribunal for the Former Yugoslavia (ICTY). In relation to the retrial of the case *Prosecutor v. Jovica Stanišić and Franko Simatović*, we completed the presentation of all our witnesses, except for one. Our final witness is now scheduled to be heard in January. Regarding the *Karadžić* appeal, my Office continued to litigate a high volume of matters, including eleventh hour motions to disqualify Judges from the case. We have taken note of the revised schedule for the completion of that case and look forward to the delivery of the judgment.

On 29 November, shortly after the end of the reporting period, my Office completed the preparation of our written appeals arguments in the *Mladić* case, in accordance with court-established deadlines. In addition to that work, my Office also litigated a number of other matters in that case, including motions to disqualify judges. We will continue to take measures within our control to expedite the completion of those final proceedings.

Another of the Mechanism's residual functions is the protection of victims and witnesses. In addition, pursuant to article 14 of the Mechanism statute, my Office is mandated to investigate and prosecute contempt of court. I can now report that, following an intensive and confidential investigation conducted over the past year, in June my Office confidentially filed an indictment charging five suspects with three counts of contempt of court and incitement to commit contempt of court. That indictment was confirmed in August, and Mechanism warrants of arrest were successfully executed in September by Rwandan police, in close cooperation with my Office.

That contempt proceeding, *Prosecutor v. Maximilien Turinabo et al.*, arose out of the review proceedings in the *Prosecutor v. Augustin Ngirabatware* case. My Office alleges that four of the accused directly, and through intermediaries, interfered with witnesses who had given evidence in Ngirabatware's trial and interfered with witnesses in the ongoing review proceeding. We furthermore allege that two of the accused knowingly violated court orders protecting witnesses. The purpose of the alleged contempt of court was to overturn the final conviction of Augustin Ngirabatware, and by doing so undermine the facts of the genocide. My Office has not undertaken that activity lightly, particularly as it has generated a significant additional workload, which has stretched our already lean resources. Nonetheless, we are fully committed to defending the integrity of the proceedings conducted by the International Criminal Tribunal for Rwanda (ICTR), the ICTY and the Mechanism. My Office wants to send a clear message that our victims and witnesses will be protected and that we will oppose genocide denial in all of its manifestations.

As I previously reported to the Council, my Office has been taking a number of important measures to strengthen our efforts to locate and arrest the remaining eight fugitives indicted by the ICTR. We restructured our tracking team and adopted a more proactive approach to our work. Those reforms have been matched by a temporary increase in resources, on the clear understanding that we have a limited amount of time to demonstrate a successful track record.

Prior intelligence and our investigative activities generated some actionable leads during the reporting period. Accordingly, I travelled to Harare earlier this year to seek the cooperation of Zimbabwean authorities, who assured me of their commitment to adhere to their international legal obligations and the Council's call to Member States. We established a joint task force to coordinate further investigative activities to locate a fugitive in Zimbabwe. The task force has been very active and recently provided another report to my Office showing that it is pursuing a number of promising leads.

At the same time, based on information obtained by my Office and confirmed by the INTERPOL National

Central Bureau for South Africa, in August I submitted an urgent request for assistance from South African authorities. Unfortunately, despite repeated contacts and reminders, that request has not been answered and no explanation been provided so far. My Office trusts that South Africa, as an incoming member of the Council, will provide the necessary cooperation. Locating and arresting the fugitives is a priority for my Office. In order for us to complete that residual function as expeditiously as possible, State cooperation remains most essential.

In relation to the countries of the former Yugoslavia, my Office deeply regrets the continued glorification of war criminals and the denial of crimes, including the Srebrenica genocide. While my Office has repeatedly called for urgent attention to that issue, developments during the reporting period again demonstrated that the challenge is severe. Some political leaders in the region are working to overcome the legacy of the recent past. Unfortunately, positive steps are undermined by irresponsible comments from other officials denying what has been established beyond a reasonable doubt by international courts and portraying as heroes men who committed the most serious violations of international law.

Soldiers do not defend their country with honour by murdering civilians, burning homes, raping women and girls, and persecuting communities because of their ethnicity or religion. Countries cannot build a future together if they do not have a common understanding and acceptance of the recent past. In Rwanda and the former Yugoslavia, my Office is committed to promoting education and remembrance as key tools in the fight against ideologies of discrimination, division and hate.

As detailed in my written report, regional cooperation in war crimes matters between the countries of the former Yugoslavia is at its lowest level in years and continues to head in the wrong direction. That cooperation is essential to achieving justice for victims from all communities. Today, suspected war criminals too often find safe haven in neighbouring countries because authorities fail to work together. Successful regional efforts in the fight against organized crime, corruption and other serious offences demonstrate that such cooperation is possible. When it comes to regional cooperation in war crimes matters, the challenge is not inability but unwillingness. If for no other reason than to secure meaningful justice for their own people, my Office calls upon authorities in the region to take concrete steps to remedy the situation, including by bringing political interference in the justice process to a halt and allowing the judiciaries to carry out their responsibilities in accordance with the rule of law and international and European standards.

The final topic I would like to address, briefly, is the search for missing persons in the former Yugoslavia. Significant results have been achieved, with almost 25,000 missing persons having been found and identified. Unfortunately, more than 10,000 families still do not know the fate of their loved ones. I had a number of meetings with representatives of the families of the missing during my recent missions to the countries of the former Yugoslavia. Even today, they suffer the immense pain of not knowing the fate of their loved ones. Their message to all of us is simple — we must intensify efforts, deepen cooperation and finally return the missing to their families. During the reporting period, my Office took important steps to strengthen our support for the search for missing persons. We signed a memorandum of understanding with the International Committee of the Red Cross (ICRC) to promote our cooperation. That important agreement will enable the ICRC to access our evidence collection in order to obtain information that may assist in clarifying the fate and whereabouts of persons who are still missing.

We have also continued to provide national authorities with access to our records and expertise. In the past months, we have hosted working visits by the Commission on Missing Persons of the Government of the Republic of Serbia and have given extensive operational support to the Missing Persons Institute of Bosnia and Herzegovina. At the recent London summit organized by the United Kingdom, all Governments of the region pledged to increase their activities and cooperation and prevent the politicization of the issue. Achieving further progress is both a humanitarian imperative and fundamental to reconciliation in the former Yugoslavia. Victims from all sides of the conflict must be located, identified and returned to their families.

In conclusion, my Office is firmly focused on completing its remaining functions efficiently and effectively, including by investigating and prosecuting interference with witnesses and contempt of court. We also remain committed to providing our full support to the continued implementation by national authorities

of the ICTR and ICTY completion strategies so that more justice can be achieved for more victims. We are grateful for the continued support of the Council in all of our efforts.

The President (*spoke in French*): I thank Prosecutor Brammertz for his briefing.

I shall now give the floor to those Council members who wish to make statements.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): I would like to thank you, Mr. President, for convening this meeting. I also thank Judge Theodor Meron, President of the International Residual Mechanism of the Criminal Tribunals, and its Prosecutor, Mr. Serge Brammertz, for their important briefings. Taking into account the completion of Judge Meron's mandate next January, in my current capacity as Chair of the Working Group on International Tribunals, I would like to pay special tribute to Judge Meron for his great contribution to the establishment and efficient functioning of the Residual Mechanism and his well-known track record in the service of international criminal justice.

Recognizing the fundamental importance of access to justice and international criminal law in building sustainable peace, Peru underlines the importance of the Mechanism, which was established by resolution 1966 (2010) to carry out the remaining residual functions of its predecessors, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Although it is a small and temporary structure whose functions and size will diminish over time, the Mechanism continues to contribute to the administration of justice. It is time that we underscore its important role in deterring and preventing atrocity crimes.

We welcome the fact that the Mechanism's roster of 25 judges is expected to be filled through elections before the end of the year and stress the importance for Member States to nominate women candidates. We also commend the transparent, swift, efficient and effective manner in which the Mechanism is fulfilling its judicial functions — which have been especially intense in over the past six months — including by having certain judges carry out their work remotely. We also emphasize the need for the Mechanism to maintain an even balance between civil and common law approaches.

We highlight the assistance that several African and European Governments have provided to the Mechanism so that convicted persons can serve sentences in their own countries, and we underline the need to bring to justice those fugitives who are still at large. We must remember that the success of the Mechanism depends on the cooperation of States in enforcing its sentences, complying with its orders and responding to its requests for assistance. We also reiterate the need to respond to concerns about the early release of persons convicted by the International Criminal Tribunal for Rwanda, some of whom have expressed no remorse for their crimes.

I would like to conclude by urging for the provision of significant assistance to the Mechanism's Department of Management of the Secretariat and Office of Legal Affairs, and by stressing, in line with resolution 2422 (2018) adopted in June, the need for the Council to remain united in its support for the Mechanism. I encourage the Council to continue to strengthen its important action in that regard.

Mrs. Dickson (United Kingdom): I would like to thank Judge Theodor Meron, President of the International Residual Mechanism of the Criminal Tribunals, and its Prosecutor, Mr. Serge Brammertz, for today's reports and briefings.

I would like to start by commending the Mechanism on its work and progress over the past year. It was only 12 months ago that the Mechanism fully assumed its responsibilities for both the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). During that time, its mandate has remained the same — to carry out the residual functions of the ICTY and the ICTR, thereby ensuring their legacy. Yet within that period, the Mechanism has been faced with significant challenges following the General Assembly's approval of a significantly reduced for the 2018-2019 biennium. That has led to reduced staff and resources. However, the Mechanism has been determined to continue to fulfil its mandate effectively and efficiently, and we are pleased that it has taken the steps necessary to make that possible.

All three principals have demonstrated their drive and determination to ensure that the Mechanism remains on track to deliver its mandate. Through various initiatives, the Mechanism has adapted to deal with several setbacks and has subsequently achieved a great deal with a relatively small number of staff.

Among the initiatives implemented by the Mechanism, we take note of its expenditure reduction plan. As developed by the Registry, the plan has enabled the Mechanism to continue to fulfil the core elements of its mandate — particularly judicial functions — as fully as possible. It has done this by reducing non-post resources and general operating costs, revising delivery arrangements for important services and limiting premises enhancements to essential needs. These measures have undoubtedly enabled the Mechanism to manage budgetary constraints. However, looking ahead, we need to be mindful of how to balance cost-savings against effectiveness, in particular if the Mechanism is to continue to fulfil its mandate.

The United Kingdom will continue to support the Mechanism for the remainder of its mandate. We also request that Council members and Member States continue to provide the Mechanism with the support it needs, whether financially, logistically or politically.

We also commend the Mechanism for its efficiency in dealing with cases often involving complex and challenging issues and its practice of remote judging, which so far has worked without any prejudice to the defendants. We note that cases have proceeded expeditiously, and these include the recent *Turinabo et al. contempt* case. This was the first hearing for the Mechanism's branch in Arusha, and it shows that, when seized of important matters, such as contempt or false allegations, the Mechanism will act swiftly. We look forward to developments in this case, as well as the related *Ngirabatware* sentence review. We also welcome progress in the *Stanišić and Simatović* retrial and note the recent judicial appointments in the *Karadžić* and *Mladić* appeals. We have heard from the President and Prosecutor this morning with regard to the completion of these important cases and are pleased that there will not be any significant delay to them caused by recent motions.

While cases have been progressing, we however remain deeply concerned about genocide denial in Rwanda and the denial of crimes and the glorification of war criminals in the Balkans. In addition, the lack of regional judicial cooperation among the countries of the former Yugoslavia is concerning. The Mechanism can successfully complete its mandate and deliver justice to victims only through collective efforts of the international community.

We remind the countries of the region of the joint declaration on war crimes signed at the prime ministerial level at the London Western Balkans Summit this year, which underlined the importance of recognizing and respecting verdicts from international and domestic courts related to war crimes and other atrocity crimes, as well as rejecting the use of hate speech, the glorification of war criminals and the provocative use of symbols. We therefore urge countries to work closely with the Mechanism, in particular with the Office of the Prosecutor, to ensure accountability through effective cooperation. We believe that this will help to reduce the instance of the denial of crimes, including genocide and the glorification of war criminals.

While attention tends to focus on conviction and acquittals, we would like to recognize the development of best practices by the President and the Registry, including the revised Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Mechanism or Otherwise Detained on the Authority of the Mechanism and the directions on the procedure for the determination of applications for pardon, commutation of sentence and early release of persons convicted by the ICTY, the ICTR and the Mechanism. We are aware that the Registry is also reviewing various draft policy instruments related to professional conduct for defence counsel and on the support and protection of victims and witnesses. These policies are essential to the Mechanism's transparency and clarity and to the legacy it provides to current and future tribunals.

We note the elections later this month to fill two judicial posts. Ensuring that the Mechanism operates with a full roster is necessary for it to complete its mandate and we fully support the Mechanism in filling these two vacancies. We do, however, regret the lack of women candidates.

Lastly, but certainly not least, through you, Mr. President, and on behalf of the United Kingdom, I would like to take this opportunity to thank Judge Meron for his invaluable work over the past two decades. The whole international community should recognize the meaningful and long-lasting contribution he has made to international law and justice, particularly through his judicial rules. We are immensely grateful to him for his efforts, his persistence and the leadership he has shown, and in particular the very positive impact that this has had on the functioning of the Residual Mechanism. We wish Judge Meron the very best for the rest of his time at the Residual Mechanism and with his future pursuits,

which I have no doubt will be numerous. We would also like to congratulate Judge Agius on his appointment as President and look forward to working with him on carrying out the Mechanism's mandate.

Ms. Schoulgin Nyoni (Sweden): I thank Judge Meron and Prosecutor Brammertz for their comprehensive updates this morning.

Sweden welcomes the developments and progress made by the International Residual Mechanism for Criminal Tribunals since the last briefing (see S/PV.8278) and the extension of the mandate in June. We are pleased to see that the Mechanism has been working on implementing the recommendations that were presented in the evaluation report of the Office of Internal Oversight Services earlier this year. We particularly welcome the implementation of the recommendation regarding gender-related matters.

It is important that the Registry is now reviewing how the policies related to the support and protection of victims and witnesses can better reflect gender-sensitive and gender-appropriate approaches. We also reiterate our satisfaction with the achieved gender parity among the professional staff. It is evident that the Mechanism has done its share in ensuring gender parity. However, we, the Member States, have failed in doing our part. The continued lack of gender parity among the judges of the Mechanism is disappointing, and we regret the absence of female candidates in the upcoming election of judges. Let us do better ahead of possible future elections.

The strained budgetary situation also remains a concern, not least because it risks contributing to the loss of institutional memory, as highlighted in the report (see S/2018/1033). We note that the biennial budget approved by the General Assembly in July did not even amount to half of the budget proposed by the Mechanism. To avoid any delays in the implementation of the mandate and ensure sufficient quality of the work conducted, the Mechanism must be given the required resources. We note that, according to the report, it remains unclear how long the function for the protection of victims and witnesses would need to remain operational, and we again stress how important this work is.

To achieve results, cooperation with the Mechanism remains of the utmost importance. Sweden is one of the countries that has received convicted individuals for the enforcement of their sentences. We reiterate our call on Member States to also assist the Mechanism in the arrest of the fugitives who remain at large. We welcome the continued efforts made to promote communication and cooperation between the Mechanism and the Governments of Rwanda and the States of the former Yugoslavia. The continued challenges in the reconciliation process in the Western Balkans, as noted in the Prosecutor's report, are concerning. The Mechanism must continue to address this situation in the communication with the States of the former Yugoslavia.

During our two years on the Council, Sweden has followed the work of the Mechanism very closely. As this is our last meeting on this topic before leaving the Council, let me just briefly share some reflections.

Over these past two years, we have not only worked on the extension of the mandate of the Mechanism, but have also witnessed the closure of the International Tribunal for the Former Yugoslavia (ICTY), which was indeed a historic event. The ICTY, as well as the International Criminal Tribunal for Rwanda, represented concrete advancements of the international criminal justice system. We cannot overestimate the role that these and other international criminal tribunals have played in the fight against impunity for the most horrendous crimes, such as genocide, crimes against humanity and war crimes.

At the same time, during our time on the Council we have also witnessed an international criminal justice system under increased pressure. Considering the hostile rhetoric against international courts and tribunals, one could wonder if accomplishments such as the establishment of the Tribunals for the Former Yugoslavia and Rwanda in the 1990s, the creation of the International Criminal Court in the beginning of the 2000s, and the establishment of the Residual Mechanism eight years ago would have been achievable today. As regrettable as this situation is, what it also tells us is that the courts and tribunals are having a real impact. The courts and the tribunals were not established to serve or depend on any one country's interests. They were set up to serve justice for victims and ensure accountability for the perpetrators of the worst crimes known to humankind. For this reason, it is only natural that they are uncomfortable for those who violate international law.

In this light, we want to once again commend the staff of the Mechanism for their high ethics and morale,

their independence and their unwavering commitment to justice. Since this is Judge Meron's last briefing to the Council, we would especially like to thank him for all his contributions to the international justice system throughout his career, including as President of both the ICTY and the Mechanism.

His presence here and his personal words serve as an important reminder of our joint commitment and responsibility to ensure the "never again".

Finally, Sweden's commitment to an international rules-based order and justice system remains unwavering. The principles of seeking justice for victims and ensuring accountability for perpetrators will be cornerstones of our international engagement also in the future. As part of that engagement, the International Residual Mechanism for Criminal Tribunals can count on our continued support.

Ms. Wronecka (Poland): I would like to thank President Theodor Meron and Prosecutor Serge Brammertz for their informative and insightful reports and briefings. Allow me to express our gratitude for their commitment to ensuring accountability, which is manifested in the high quality of the work of the International Residual Mechanism for Criminal Tribunals. Given the fact that today's is the last briefing of Judge Meron to the Security Council in his capacity as President of the Mechanism, I would like to take this opportunity to pay tribute to him for his tireless efforts and great achievements in the challenging quest for international justice. I thank him in particular for his important contribution to strengthening international law, including international humanitarian law and human rights law, and to the prevention of atrocity crimes. I believe that it is particularly fitting to do so 70 years after the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide and of the Universal Declaration of Human Rights.

Poland is encouraged by the priorities of the work cited by the President and the Prosecutor. We note with satisfaction the significant progress the Mechanism has achieved in the realization of its functions. In particular, we appreciate the focus on the expeditious completion of judicial proceedings and welcome the innovative and efficient solutions adopted to that end. We commend the efforts to provide protection and support services to the victims and witnesses of the atrocities, and we applaud also the follow up on the recommendations of the Office of Internal Oversight Services audits.

We therefore agree with the positive assessment of the Mechanism's functioning in the period in question. We also look forward to its further achievements. We would like to recognize particularly the determination and efforts of the President, the Prosecutor and the staff to carry out their work effectively and efficiently, while observing in full all applicable rules and procedures. Their commitment to that end is all the more commendable in that they are faced with a considerable workload and a heightened judicial activity, amid budgetary cuts and downsizing.

Poland takes note of the challenges the Mechanism faces, including those that are resource-related. We would also like to highlight the importance of sustained cooperation with and assistance to the Mechanism from the Secretariat and Member States. They influence in an important way the prospects for the timely and efficient fulfilment of its mandate. In that context, we call on all States to fully cooperate with the Mechanism, in accordance with the relevant Security Council resolutions, and to render necessary assistance to it, especially with regard to the location, arrest and surrender of all remaining fugitives indicted by the Mechanism as soon as possible.

In conclusion, let me underline that international criminal justice institutions, including the International Residual Mechanism, play a crucial role in upholding accountability and fighting impunity, which can contribute to the deterrence and prevention of atrocity crimes. Such efforts remain in compliance with Poland's engagement in the strengthening of international law. Allow me to reaffirm Poland's continued support for the Mechanism and readiness to cooperate with it, which corresponds to our commitment to international criminal justice. We call on others to take the same stance.

Mrs. Gasri (France) (*spoke in French*): I thank President Meron and Prosecutor Brammertz for their reports and briefings. I pay a warm tribute to Judge Meron, who leaves us an International Residual Mechanism for Criminal Tribunals that is fully autonomous, capable of effectively carrying out its mandate and of adapting its procedures and working methods, giving due consideration to the diversity of legal systems and multilateralism, as called for by the Council in resolution 1966 (2010). Judge Meron's contribution to international criminal justice and to the work of the Security Council is indisputable and ongoing. France thanks him for his commitment as Judge and

President of the International Tribunal for the Former Yugoslavia (ICTY) and of the Mechanism,and wishes every success to the future President of the Mechanism.

With regard to the judicial activities of the Mechanism during the reporting period, we note that five accused were arrested in the new *Turinabo et al.* contempt case and that those accused were brought before the court immediately two days after their transfer from Kigali to Arusha. We welcome the cooperation of the Rwandan authorities in that matter and will continue to follow the latest developments.

We take note of the change in schedule for the *Karadžić* case, and we are counting on the professionalism of all to complete all trials in progress within the planned deadlines. France also recalls that States are required to cooperate with the Mechanism in the search and arrest of eight fugitives indicted by the International Criminal Tribunal for Rwanda. The arrest warrants will not go away and their crimes will not go unpunished.

France welcomes the assistance provided by the Mechanism to national courts responsible for prosecuting perpetrators of international crimes committed in the territory of the former Yugoslavia and in the territory of Rwanda. The two cases referred by the International Criminal Tribunal for Rwanda to the French courts evolved during the reporting period. On 21 June, the Paris Court of Appeals confirmed the dismissal order issued in 2015 in the *Munyeshyaka* case. The case is now before the Court of Cassation.

In the *Bucyibaruta* case, the prosecution requested a partial discharge and a transfer to the Court of Cassation. The investigating judge has communicated the procedure to the Public Prosecutor, who must file his final submission in this procedure. France will continue to deal with these cases with all due diligence and rigour.

We take note of the Prosecutor's comments regarding the cooperation provided to his Office by the countries of the former Yugoslavia and his assessment of regional judicial cooperation as being "at its lowest level in years" (*S/2018/1033, annex, II, para. 55*). For France and the European Union, which closely follow the Prosecutor's reports, the full cooperation of the countries of the former Yugoslavia with the Mechanism and the fight against impunity for crimes committed in the former Yugoslavia are inseparable and essential.

I would also like to echo the concern once again expressed by Prosecutor Brammertz in his report (S/2018/1033, annex II) and his briefing regarding the denial of crimes and responsibility by some individuals or political leaders. Judicial rulings relating to war crimes, crimes of genocide, crimes against humanity committed in the former Yugoslavia and Rwanda are based on facts and responsibilities that have been rigorously established. Those rulings are binding on all.

We note the resolve of the President and the Prosecutor to take into account resolution 2422 (2018) on the issue of early release. We encourage the Mechanism to continue discussions and considerations in order to endow itself with an early release mechanism with clear conditions, which will enhance international criminal jurisprudence.

Finally, I welcome the implementation of the recommendations of the Office of Internal Oversight Services to continue to uphold the principles of restraint, effectiveness and exemplariness, which must also apply to the entire United Nations.

Mr. Van Oosterom (Netherlands): On behalf of the Kingdom of the Netherlands, let me express our sincere thanks to the President and the Prosecutor of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron and Mr. Serge Brammertz, respectively, for their progress reports and briefings here this morning. Let me also thank Ambassador Gustavo Meza-Cuadra, Permanent Representative of Peru, for his impeccable leadership of the Council's Informal Working Group on International Tribunals.

The work of the Mechanism is important to ensuring accountability for the most serious crimes under international law. Its work contributes to reconciliation, economic development and peace because there cannot be peace without justice. In that context, I will focus on three challenges the Mechanism is currently facing: first, witness protection; secondly, complementarity; and thirdly, denial of war crimes.

On my first point, witness protection, contrary to expectations, the progress report shows that the workload of the Mechanism is increasing and will continue to increase due to the prosecution of five suspects accused of intimidating protected witnesses. We strongly condemn any action that puts the safety and security of witnesses and victims at risk. Such actions endanger the legacy of the Tribunals and affect

the confidence of witnesses and victims in international criminal justice. The protection of the more than 3,000 witnesses is a key residual responsibility of the Mechanism. Prosecution by the Mechanism should send a strong and clear message that those who attempt to intimidate or to tamper with witnesses will be held accountable. We urge Member States, in the upcoming budgetary cycle, to provide the Mechanism with required resources that reflect the increasing workload of the Mechanism. Only then will the Mechanism be able to fully implement its mandate.

That brings me to my second point, complementarity, or cooperation between national judicial institutions. States bear the primary responsibility to end impunity and to thoroughly investigate and prosecute those responsible for the most serious crimes under international law. We note with appreciation that both the Registry and the Office of the Prosecutor continue to assist and support national criminal justice institutions in the Great Lakes region, East Africa and the Western Balkans. The assistance provided by the Prosecutor enables those national criminal justice institutions to carry out their responsibilities. We are, however, concerned about the current situation in the Western Balkans, where regional cooperation is decreasing. Croatia, Serbia and Bosnia and Herzegovina should significantly strengthen their cooperation so that the suspected war criminals who are still at large can be brought to justice. That is in the interest of the respective countries, as it contributes to reconciliation, regional stability, economic development and sustainable peace.

That brings me to my third point, the denial of war crimes and the glorification of convicted war criminals. Last Sunday, 9 December, marked the seventieth anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide. While observing that anniversary, we are deeply disturbed that the war crimes and the genocide committed in Rwanda and the former Yugoslavia are being denied and even glorified. The conclusion that genocide was committed against the Tutsi has been crucial to re-establishing peace and security in Rwanda and to promoting reconciliation between the affected communities. In that spirit, the General Assembly designated 7 April as the International Day of Reflection on the 1994 Genocide against the Tutsi in Rwanda.

The glorification of war criminals with the consent of or even organized by national authorities in the Western Balkans is disturbing and concerning. The denial of the Srebrenica genocide by parliamentarians of the Republika Srpska in Bosnia and Herzegovina and leading politicians in Serbia is reprehensible. It shows a lack of respect for the victims, their relatives and the judgments of the International Tribunal for the Former Yugoslavia. We firmly reject the ideology of discrimination, division and hate, especially in societies that have already borne the devastating consequences of hateful words being put into action.

Let me ask a rhetorical question. How can one glorify ethnic cleansing, forcible displacements, the destruction of villages and communities, the rape of women and girls, and the killing of innocent civilians? We therefore urge members of the respective Governments first, to set the right example; secondly, to stop public denials and glorifications of the atrocities committed; and thirdly, to send a clear message to their armed forces that only by fully respecting international humanitarian law can they can truly defend their country with pride and honour.

In conclusion, in January President Theodor Meron will step down as the first President of the International Residual Mechanism for Criminal Tribunals. He leaves behind an exemplary institution that operates as efficiently and effectively as possible. There is gender parity among the professional staff members; there is a special focal point for gender-related issues; and amendments to put conditions on early release are currently under consideration. We support the intention of the Mechanism to attach suitable conditions when making decisions on early release. That is of key importance to the families of the victims and to the countries involved. The Mechanism has already achieved much of what the Council envisaged and is ready to face future challenges.

Finally, allow me to say a few personal words to President Theodor Meron. In the open debate on upholding international law earlier this year (see S/PV.8262), he shared with us that he was 9 years old when his childhood in Poland was violently disrupted by the Second World War. He survived a forced labour camp and lost almost all of his family members during that war. Again this morning, he shared his life's history with us as his motivation for his professional legal work. He touched our hearts. We are deeply impressed by how his experience motivated him to put his life in service of ending the atrocities of war by virtue of the law. Justice must be done for the victims by holding accountable those who bear the greatest responsibility

for the most serious crimes under international law. At the same time, he ensures that convicted war criminals are treated fairly.

His contribution to international criminal law has been truly extraordinary and indispensable to its development. On behalf of my Government, I sincerely thank him for his service and wish him all the best in his future endeavours. On a personal note, I hope that he will write an autobiography.

Mr. Albanai (Kuwait) (*spoke in Arabic*): At the outset, I would like to express my heartfelt thanks to Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, and Mr. Serge Brammertz, the Prosecutor of the Mechanism, for their valuable briefings on the progress achieved so far. Since this may be the last briefing by Mr. Meron as President of the Mechanism, I would like to express my profound gratitude for his tireless efforts throughout his mandate. I wish his successor, Judge Carmel Agius, every success.

Only 12 months ago, we witnessed the end of the mandate of the International Tribunal for the Former Yugoslavia, with the work of the two International Tribunals coming to a close. Thus, the judicial jurisdiction on the residual cases was fully transferred to the International Residual Mechanism to continue the same approach adopted by the Security Council with a view to upholding the rule of law, achieving justice and fighting impunity in order to attain international peace and security.

Peace does not simply mean ending armed conflicts; rather, it is the delivery of justice for the victims of war crimes, genocide and ethnic cleansing through the prosecution of the persons proved to have perpetrated such crimes according to due process, as per the relevant international laws. In the same vein, we must study and document in depth the experience of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia to cultivate the lessons learned and to assess the strengths and weaknesses thereof. That would serve as a robust basis for the future, whenever necessary. Today I would like, therefore, to highlight the following points.

First, we welcome the efforts of the President and the Prosecutor of the International Residual Mechanism for Criminal Tribunals aimed at improving the performance of the Mechanism through the adoption of a Code of Professional Conduct for Defence Counsel Appearing before the Mechanism and the development of an effective modus operandi that would help to facilitate legal research and analysis and the drafting of the decisions and sentences handed down, without prejudice to the mandate provided for in resolution 1966 (2010), and this notwithstanding the following challenges: the surge in judicial activities concerning applications for the review of sentences and access to confidential information; litigation related to contempt of the Tribunals due to the discontinuation of the support provided to the two Tribunals in response to their closure; and the non-approval by the General Assembly of the Mechanism's proposed budget for the period 2018-2019. The Mechanism therefore devised a reduced budget by laying off staff, which might not only adversely affect the delivery of its mandate, but also lead to low staff morale.

Secondly, we commend the expeditious measures taken by the Mechanism's judges, Prosecutor and Registry regarding the cases reviewed thereby, as they will lead to the speedy indictment of the accused. That is evidenced by the final sentences passed in certain cases ahead of the deadline, in spite of the delay in the Prosecutor v. Radovan Karadžić case.

Thirdly, we acknowledge the Mechanism's efforts as a small, temporary and efficient structure whose tasks and size will diminish over time, as per its establishing resolution and as stressed by the evaluation and progress report of the Office of Internal Oversight Services (S/2018/206).

Fourthly, the responsibility to identify the location of and arrest the eight fugitives does not rest exclusively with the Mechanism; rather, it should cooperate with the relevant States and international organizations to help bolster its efforts, which were carried out on the basis of significant information regarding the location of the fugitives.

Fifthly, we value the measures taken by the Mechanism in response to the concerns of Member States with respect to resolution 2422 (2018) regarding early release. Meanwhile, the Mechanism should take into consideration the views of Member States regarding its efforts to attain the desired goal.

In conclusion, I would like to express my deep gratitude to Peru, Chair of the Informal Working Group on International Tribunals, as well as to the Office of Legal Affairs and the Office of Internal Oversight

Services for their efforts towards the implementation of resolution 1966 (2010).

Mr. Liu Yang (China) (*spoke in Chinese*): China thanks President Meron and Prosecutor Brammertz for the reports on the recent work of the International Residual Mechanism for Criminal Tribunals. During the reporting period, the judicial activities of the International Residual Mechanism for Criminal Tribunals continued to make headway, as Residual Mechanism judges issued a total of 244 orders and decisions. Trial proceedings continue to advance in the cases *Prosecutor v. Jovica Stanišić and Franko Simatović*, *Prosecutor v. Radovan Karadžić* and *Prosecutor v. Ratko Mladić*. In the case *Prosecutor v. Maximilien Turinabo et al.*, prosecution has started regarding the alleged contempt of court by Turinabo and others. The Office of the Prosecutor is making further efforts to hunt down the fugitives indicted by the International Criminal Tribunal for Rwanda. China hopes that the Residual Mechanism will take further effective measures to expedite its legal proceedings and effectively comply with the Council's requirements that the Mechanism be small, temporary and efficient.

Last March the United Nations Office of Internal Oversight Services reviewed the methods and the work of the Mechanism. China has taken note of the efforts made by the Mechanism in implementing the recommendations of the Office. We hope that the Mechanism will continue to take those recommendations into consideration as it steadily improves its work.

As the current President of the Residual Mechanism, Judge Meron, will conclude his term on 18 January 2019, China wishes to express its deep appreciation for the work that he has accomplished during his tenure. China will also actively support the work of the incoming President, Judge Agius.

In conclusion, I wish to take this opportunity to thank Peru, Chair of the Informal Working Group on International Tribunals, and the United Nations Office of Legal Affairs for coordinating the work between the Council and the Residual Mechanism.

Mr. Cohen (United States of America): I would like to thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Meron, and Prosecutor Brammertz for their informative briefings, as well as for being with us today.

The United States would like to begin by recognizing President Meron and thanking him for his service. He has led the International Residual Mechanism for Criminal Tribunals since 2012, overseeing the assumption of responsibilities from the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY). President Meron's efforts, through his leadership of the Mechanism, have helped to ensure that victims of horrific atrocities addressed by the ICTR and the ICTY receive meaningful measures of justice. We congratulate Judge Agius on his appointment as President, commencing in January.

The International Residual Mechanism for Criminal Tribunals is a model of our staffing expectations regarding gender parity. Fifty-six per cent of professional staff are female, surpassing the Secretary-General's goals. We are also happy to see the Mechanism's commitment to strategic planning in the process of downsizing staff and reducing operational costs. The volume of work that the Mechanism conducts is impressive, given its lean operations. For example, there were 244 judicial decisions and orders issued in this past reporting period alone, in addition to an ongoing trial in the *Prosecutor v. Jovica Stanišić and Franko Simatović* case, as well as the ongoing appeal proceedings in the *Prosecutor v. Radovan Karadžić*, *Prosecutor v. Ratko Mladić* and *Prosecutor v. Augustin Ngirabatware* cases.

The arrest and transfer to the International Residual Mechanism for Criminal Tribunals of five accused Rwandan nationals during the reporting period is an important example of the need for the Mechanism's continued vigilance against any efforts by any party to interfere with the integrity of its proceedings. We commend the strong cooperation between Rwandan authorities and the Mechanism in executing the arrest and transfer of those individuals. It also highlights the importance of the continued efforts made by the Mechanism to protect the thousands of witnesses who bravely provide testimony so that justice could be served. The international community owes them a debt of continued care and protection.

We would also like to recognize the work of Prosecutor Brammertz. In particular, we commend his progress on remaining cases, cooperation with States, strong efforts to build capacity and national judiciaries in Africa and the former Yugoslavia, prosecuting war crimes and the innovative use of tribunal evidence

holdings to support the search for missing persons. We encourage the Mechanism to consider proposals to respond to the concerns raised by some States about early-release regimes. We note that some individuals who have been released early have subsequently denied responsibility for their crimes, and we share the concern that such denial undermines the fight against impunity. We recognize and encourage the practice of consulting with the States concerned about the early-release regime.

In the former Yugoslavia, we welcome the Prosecutor's recent announcement of a partnership with the International Committee of the Red Cross to support the search for missing persons. It is important for all of us to remember that approximately 10,000 people remain missing from the conflicts in the Balkans, as Prosecutor Brammertz has noted. We call on countries in the region to cooperate with one another, the Mechanism and other groups in those efforts and commend Croatia and Serbia for their public commitment to working together to that end. The politicization of the issue callously disregards the suffering of the victims and their families. We are hopeful that the evidence collection of the ICTY may assist in clarifying the fate and the whereabouts of missing persons.

We again highlight that, although the ICTY closed last December, the pursuit of justice for atrocities related to the conflicts in the former Yugoslavia is not over. Many hundreds of cases remain unresolved in national jurisdictions. We welcome the work of the Prosecutor's Office of Bosnia and Herzegovina to file important indictments in complex cases. Discussions between the Mechanism and the Serbian Chief War Crimes Prosecutor are encouraging, and we remain engaged to see whether or not they lead to the effective implementation of Serbia's national war crimes strategy.

We look to Croatia to demonstrate a similar commitment to national cases in the next reporting period and to all Governments in the region to cooperate with one another and the Mechanism to resolve the remaining cases. The United States shares Prosecutor Brammertz's concerns about the ongoing denial of serious crimes and the glorification of war criminals in the region. The Republika Srpska National Assembly's decision to annul the 2004 report on the Srebrenica genocide was a step backwards. We call on leaders and countries to reject efforts to deny the facts of past conflicts or engage in revisionist history. Ensuring that newer generations share an accurate understanding of the past is elemental to preventing the recurrence of atrocities. The United States urges all States, especially States in the Great Lakes and southern African regions, to cooperate with the Mechanism and undertake efforts to arrest and surrender the eight remaining fugitives indicted by the ICTR as soon as possible. The United States continues to offer up to $5 million for information leading to their arrest.

The work of the Mechanism, like that of the Rwanda and former Yugoslavia Tribunals previously, reminds us that, in the face of terrible atrocities, we can work together to hold accountable those responsible and achieve a measure of justice for the victims. We look forward to continuing to support the Mechanism and the fight against impunity.

Mr. Ndong Mba (Equatorial Guinea) (*spoke in Spanish*): First of all, allow me to express our gratitude to President Theodor Meron and Prosecutor Serge Brammertz for their informative briefings and for the comprehensive and exhaustive report on the work of the International Residual Mechanism of the Criminal Tribunals. We also thank the Permanent Representative of Peru, Mr. Gustavo Meza-Cuadra, for continuing to chair the Informal Working Group on International Tribunals in a transparent, efficient and dynamic manner, as well as the Office of Legal Affairs.

Before delving into the issue at hand, and given that it will be the last time we receive a report from Mr. Theodor Meron in his capacity as President of the Mechanism, we would like to commend and acknowledge him for the leadership, effectiveness and professionalism with which he has helmed the International Residual Mechanism for Criminal Tribunals from 2012 to date, and for his ongoing commitment to fighting for accountability by ensuring that justice is served for the victims of the worst crimes against humanity.

We once again have a valuable opportunity to assess the work of one of the international criminal justice institutions created by the Security Council to uphold accountability and combat impunity, which are essential elements for effective conflict prevention. In that regard, we would like to make three observations relating to judicial activities, the regulatory framework and cooperation with States.

First, as was to be expected following the closure of the International Criminal Tribunal for the Former

Yugoslavia in 2017 and that of Rwanda in 2015, the International Residual Mechanism has become a fully autonomous body. In the light of the challenges facing it, such as the increase in the volume of its judicial work, access to confidential information, requests for sentence reviews, allegations of contempt of court and the considerable reduction of its budget by the General Assembly in December 2017, the Mechanism has proved to be an entity capable of effectively discharging the mandate conferred upon it by the Security Council in resolution 1966 (2010). We note that during the reporting period, the Mechanism handled a challenging workload that led to the issuance of 244 decisions and orders, continuity in the ongoing case *Prosecutor v. Jovica Stanišić and Franko Simatović*, appeals proceedings in the case *Prosecutor v. Karadžić* and the case *Prosecutor v. Ratko Mladić*, referral and pre-trial proceedings in the case *Prosecutor v. Maximilien Turinabo et al.* and a series of other judicial matters, including orders pertaining to sentence reviews, access to confidential information and allegations of contempt of court, as indicated in the report. We welcome and commend all such endeavours and encourage the Mechanism to resolutely continue its noble work.

Secondly, Equatorial Guinea welcomes the Mechanism's continued efforts to improve the harmonized rules, procedures and policies that guide its work. In that regard, we have taken note of the President's review of several draft policies, including the review of the Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence and Early Release of Persons Convicted by the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda and the Mechanism, in response to the concerns raised by some States, including our own, regarding the early-release regime. We hope that tangible measures, such as consultations with judges and conditions for early release, will be the genuine result of admitting to and showing remorse for committing heinous crimes. In that regard, while we deem it relevant to take account of the views of the Governments concerned and those of associations of victims and survivors, we also welcome the adoption and recent entry into force of the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Mechanism or Otherwise Detained on the Authority of the Mechanism, which is clear evidence of the fact that the Mechanism is continuing to work to improve its effectiveness and streamline its internal working methods.

We recognize that there is gender parity among the technical staff, although there are still no women in the Mechanism's leadership positions. For that reason, we want to encourage States first to strengthen their cooperation with the Mechanism and the States concerned on the arrest and surrender of fugitives at large; secondly, to accept the relocation of people who have been acquitted and released to their countries; and thirdly, to cooperate in enforcing sentences. In that regard, we commend Mali, Benin, Senegal, Austria, Denmark, Estonia, Finland, France, Germany, Italy, Norway, Poland and Sweden for accepting prisoners in their countries. With regard to this last issue, we believe that in addition to such cooperation, in order to truly strengthen accountability and an international order based on the rule of law, and so that the Mechanism can fulfil its mandate, we must continue to build the capacity of the national institutions of the countries concerned. That has been done in the Great Lakes region, East Africa and the former Yugoslavia, ensuring not only support for the principles of complementarity and national ownership of post-conflict accountability, but also the referral of cases to more appropriate judicial bodies that can potentially lessen the Mechanism's workload.

My Government commends the Mechanism's efforts to implement the recommendations of the Office of Internal Oversight Services and the progress it has made in managing its own archives and those of the two Tribunals, including preserving and ensuring access to them. We nevertheless believe that the Mechanism, specifically the Office of the Prosecutor, continues to face a major challenge in the apprehension of fugitives.

In conclusion, Equatorial Guinea affirms its firm commitment to strengthening the rule of law and promoting justice by supporting the Mechanism in every aspect of its work as an instrument of the Security Council for administering justice and ending impunity, thereby achieving the international peace and security we desire. As President of the International Residual Mechanism for Criminal Tribunals, Justice Meron can take satisfaction in a job well done.

Mr. Miranda Rivero (Plurinational State of Bolivia) (*spoke in Spanish*): We are grateful for the briefings by Judge Theodor Meron, President of the International Residual Mechanism for Criminal

Tribunals, and Mr. Serge Brammertz, Prosecutor of the Mechanism, and would like to take this opportunity to reiterate our full support for their work in carrying out their mandates. My delegation expresses its appreciation to Judge Meron for his work during his mandate. We also underscore our gratitude for the delegation of Peru's active and diligent work in chairing the Informal Working Group on International Tribunals, and we thank the Office of Legal Affairs for providing its assistance and cooperation for the Group's meetings.

The work done by the International Criminal Tribunals for Rwanda and the former Yugoslavia over the past 24 years has made a significant contribution to the fight against impunity and played a leading role in the pursuit of justice. In that regard, given the closure of the International Tribunal for the Former Yugoslavia in December 2017, the International Residual Mechanism for Criminal Tribunals has the major responsibility of concluding the remaining trials transferred to its jurisdiction in a timely and effective manner. Accordingly, it must implement its mandate established pursuant to resolution 1966 (2010) and the provisions of resolution 2422 (2018) as effectively as possible, not only while continuing to uphold the jurisdiction, rights and obligations of both Tribunals, but also while taking on the important role of strengthening and supporting the work of national jurisdictions, in keeping with its establishment as a small, temporary and effective structure whose functions and size are to be reduced over time. In that regard, we want to highlight the assistance and cooperation provided by the Mechanism and the Office of the Prosecutor to national jurisdictions to strengthen and develop their capacities. We also emphasize and acknowledge the work they are doing to promote and preserve collective memory, as has been done in Sarajevo, where the first public information centre has been inaugurated, continuing and building on the initiative of the International Tribunal for the Former Yugoslavia.

We have taken note of the progress in the Mechanism's jurisdictional activities during the reporting period, as well as its conduct of appeal hearings and sentencing review proceedings. In that regard, we would like to highlight the holding of remote hearings as an innovative and effective initiative that should continue to be enhanced so as to ensure the greatest possible interaction among judges and address the risks that might arise in connection with securing data and confidential information in such cases. We also want to emphasize the Mechanism's capacity to perform simultaneous functions in cases transferred to it from the two Tribunals, and we urge it to continue to harmonize and integrate its work while ensuring that the differences in working cultures between the offices in Arusha and The Hague do not affect it. We also note the issues related to the Mechanism's use of its allocated resources and urge that they be used effectively in order to enhance and maximize the Mechanism's work.

Despite the progress that has been made, we are concerned about the number of fugitives who have yet to be tried before the Tribunal despite the Prosecutor's continuing coordination efforts and requests for assistance. In that regard, we should keep in mind that States' cooperation is crucial to preventing impunity from undermining the work of the Mechanism and the international community in general. We therefore urge States to support the Prosecutor's efforts by collaborating and cooperating as much as possible. We also believe that it is important to reiterate that criminal responsibility lies with the individual and that no community or nation is responsible for acts committed by private individuals. In line with the spirit of justice that the Mechanism pursues and with the importance of ensuring accountability and reparation for victims, such people must always answer for their acts.

Early releases and the problems that result from such decisions are issues that urgently demand our attention, since there are gaps in the criteria that must be considered in their application. In that regard, we call on the Mechanism to take the necessary measures through its various bodies to resolve that issue and ensure that the legacy and work of the Tribunals for Rwanda and Yugoslavia are not undermined or nullified by the release of individuals who either deny or refuse responsibility for crimes against humanity. Similarly, reducing and commuting sentences runs counter to their very purpose, which is rehabilitating and reintegrating perpetrators.

We take note of the progress reported regarding the recommendations by the Office of Internal Oversight Services on the Mechanism's functions and work from 2016 to 2017, and we encourage its various bodies to continue implementing them in full. Lastly, we encourage the Mechanism to continue to develop its jurisdictional activities with determination, while making effective and efficient use of the resources allocated to it, keeping its temporary status in mind and

taking the necessary steps to implement appropriate measures for the short and medium term.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We would like to thank the leadership of the International Residual Mechanism for Criminal Tribunals for the report (see S/2018/569) on its activities. We have been closely following its work, including all the judicial proceedings under way.

Going on the report, since our previous briefing (see S/PV.8278) the Mechanism's work has largely come to a standstill. It is increasingly reminiscent of the International Tribunal for the Former Yugoslavia (ICTY) in the worst periods of its existence. We have recently been alarmed as we have witnessed judges being reshuffled, especially those presiding over the Appeals Chamber. All of that chaos goes back a long way and is specifically rooted in the irresponsible approach to the procedure for selecting the judges in the *Radovan Karadžić* and *Ratko Mladić* appeal cases. As we all know, the Security Council and the General Assembly have added a number of new names to the roster of judges. But the Mechanism's leadership still sees to it that it is those who worked under the ICTY who have the most to do with those cases. Hence the problems.

We have studied all the publicly available information on the Mechanism's recent rulings in the *Mladić* and *Karadžić* cases. It seems that amid the procedural skirmishing and mutual settling of scores, the Mechanism's leaders have forgotten that they hold in their hands the fate of human beings who are expecting to see justice fairly done. However, the Council is being asked to simply resign itself to the fact that it will have to wait several more months for a decision on the *Karadžić* case while the new presiding judge in the Appeals Chamber familiarizes himself the case file. We hope he will not need as much time as his counterpart in the *Vojislav Šešelj* case.

We have taken note of Judge Joensen's decision not to refer a contempt-of-court case to the Rwandan authorities. As we understand it, he believes that the trial will very probably begin and end faster if it remains under the Mechanism. We would like to hope for that. We will see how things actually pan out.

The problems of providing the accused with timely and appropriate medical care are also still on the agenda. We are still concerned about the casual attitude to Ratko Mladić's health and we have repeatedly demanded that he receive high-quality examinations and treatment. We reiterate that if that task is beyond the Mechanism's prison doctors, Mr. Mladić should be temporarily released for treatment in Russia or Serbia.

Our attention has once again been drawn to the sections of the report on the Residual Mechanism's capacity-building assistance to national judicial bodies that are prosecuting war-crimes cases. I feel obliged to point out that there is no such mandate for the Office of the Prosecutor in the Mechanism's founding documents, and certainly none for such work in countries that have no relation to the situations under the Residual Mechanism's jurisdiction. We once again urge the Mechanism to cease its inappropriate expenditure of the financial and human resources allocated to it. We expect it not to be distracted by tasks outside its remit according to the Statute and to focus on fulfilling the functions assigned to it as quickly and effectively as possible.

Mr. Temenov (Kazakhstan): I would like to thank Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, and Prosecutor Serge Brammertz for their informative and comprehensive briefings on the Residual Mechanism's semi-annual progress report.

We would like to take this opportunity to express our deep appreciation to the outgoing President of the Mechanism, Judge Meron, for his outstanding and invaluable work, and to wish him every success in his future endeavours. We also want to commend Ambassador Gustavo Meza-Cuadra of Peru for his able chairmanship of the Informal Working Group on International Tribunals, as well as the Office of Legal Affairs for its continued support.

Kazakhstan greatly appreciates the Mechanism's role and place in the administrative system of international justice, in helping to preserve our faith in international law and ensuring that those guilty of grave crimes will not go unpunished. My delegation notes with satisfaction the successful continuation of the Mechanism's core responsibilities inherited from the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, such as the enforcement of sentences, the protection of victims and witnesses and the management of archives. We welcome the fact that despite the difficulties the Mechanism has faced owing to constraints on its resources, it has made significant progress in

establishing itself as a small, temporary and effective structure. We are pleased to hear from Judge Meron that the Mechanism benefited from the recommendations of the Office of Internal Oversight Services, thereby ensuring the efficient and effective fulfilment of the Mechanism's mandate.

Given the paramount importance of Member States' cooperation with the Mechanism to ensure that international justice is served, we call on all States to fully engage with it and comply with its judgments. We also encourage the Security Council to be united in its support for the Mechanism. In the context of the Mechanism's task of locating and arresting remaining fugitives, we are pleased with the Prosecutor's more proactive efforts in that regard and hope they will be arrested and brought to justice as soon as possible. We also welcome the Prosecutor's strengthened cooperation with the Rwandan authorities, which will improve access to evidence.

I would like to mention the work that the Mechanism is doing with regard to the archives of both Tribunals, which is truly priceless for both practical and research purposes. We support its implementation of an integrated system for managing archives and records.

In conclusion, we affirm our firm commitment to upholding the principles of justice, accountability and the rule of law around the world by supporting the Mechanism in every aspect of its work until it completes its mandate.

Ms. Habtemariam (Ethiopia): I would like to start by thanking Judge Meron and Prosecutor Brammertz for the assessment report on the work of the International Residual Mechanism for Criminal Tribunals, and for their briefings today. I would also like to join other speakers in commending Judge Meron for his work as presiding Judge, and we wish the incoming President, Judge Agius, every success. I will just make four brief points.

First, we welcome the measures taken by the Mechanism, including the Office of the Prosecutor, to further enhance its efficiency and streamline its internal working methods, despite its small staff and tight resources. We note with appreciation the work done by the Mechanism since assuming its residual responsibility, and the measures taken by the Office of the Prosecutor to assist and build capacity in national criminal-justice sectors with a view to supporting the prosecution of war-crimes cases arising from the conflicts in Rwanda and the former Yugoslavia.

Secondly, we have noted the challenges raised in the assessment report in relation to the General Assembly's decision not to approve the Mechanism's biennium budget for the period from 2018 to 2019. While we welcome the measures taken by the Mechanism to reduce the impact of that decision, its implications for the Mechanism's long-term planning and operations and the completion of its functions in a timely and effective manner, as well as its impact on the protection of victims and witnesses, require further attention.

Thirdly, we continue to note with concern that eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR) remain at large. In that regard, we welcome the measures taken by the Office of the Prosecutor to track and arrest the remaining fugitives, including by establishing a tracking team and cooperating with relevant actors such as INTERPOL. In our view, the cooperation of such relevant international organizations and States remains critical to pursuing the remaining eight fugitives. We therefore join the call for assistance from relevant States in this task. It is important that they continue to provide the necessary assistance to the Office of the Prosecutor, including in tracking those fugitives.

Fourthly, we note with concern some of the issues that continue to be raised in relation to the early release of people convicted by the ICTR or the Residual Mechanism. We have particularly noted the concern raised by the Prosecutor of the Mechanism regarding unconditional early release, which has often led to the denial of crimes and criminal responsibility. In our view, consultation on early release between the President of the Mechanism and the country concerned, Rwanda, particularly its implications for victims and the community at large, is extremely important. In this regard, lessons could be drawn from the Residual Special Court for Sierra Leone. We encourage the incoming President and the Office of the Prosecutor to look into this matter.

In conclusion, I would like to reiterate the need for the Council to provide continued support to the Mechanism so it can fulfil its mandated residual functions. I would also like to encourage Member States to strengthen their support for the Residual Mechanism, including in relation to the tracking of fugitives and

relocation of acquitted or released persons, as well as addressing budget-related issues.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of Côte d'Ivoire.

My delegation welcomes Judge Theodor Meron and Mr. Serge Brammertz in their respective capacities as President and Prosecutor of the International Residual Mechanism for Criminal Tribunals for their informative briefings. We also congratulate Ambassador Gustavo Meza-Cuadra, Permanent Representative of Peru, on the work he has accomplished as Chair of the Informal Working Group on International Tribunals.

My delegation welcomes the progress made in the work of the Mechanism with regard to its judicial activities, including those pertaining to the enforcement of rulings, the protection of victims and witnesses, archive management, and the prospect of improved conditions for the implementation of the early-release regime following the adoption of Security Council resolution 2422 (2018). We encourage the Mechanism to continue and complete the implementation of the recommendations of the Office of Internal Oversight Services (OIOS), as set out in the progress report issued by the OIOS in March, in order to achieve the objectives set by the United Nations in line with resolution 1966 (2010).

Notwithstanding the progress that has been made by the Mechanism in the fulfilment of its mission, Côte d'Ivoire is concerned by the persistence of challenges yet to be overcome, particularly with regard to Member States' cooperation with the institution and judicial cooperation between the countries of the former Yugoslavia. In this regard, my delegation reaffirms the importance of States' cooperation with the institution in implementing the Mechanism's mandate, especially in connection with the search, arrest and transfer of fugitives and the implementation of the rulings handed down. We therefore encourage all Member States to further strengthen their cooperation with the Mechanism, and we appreciate the contribution of those countries providing multifaceted support.

Côte d'Ivoire is of the opinion that judicial cooperation among the countries of the former Yugoslavia is essential for the search and arrest of perpetrators of war crimes who are no longer present in the territory where they are presumed to have committed such crimes. My delegation therefore urges national authorities to play an active role in the fight against impunity by adopting concrete measures to improve judicial cooperation in the region.

In conclusion, on behalf of my delegation, I would like to pay tribute to Mr. Theodor Meron, President of the Mechanism, who will step down from his post on 18 January 2019, following several years of tireless work in the service of international justice. I would also like to wish Judge Agius, who will succeed President Meron in January, every success.

I now resume my functions as President of the Council.

I give the floor to the Minister of Justice of Serbia.

Ms. Kuburović (Serbia): I thank the Security Council for this opportunity to address it today on behalf of the Republic of Serbia.

Since the establishment of the International Tribunal for the Former Yugoslavia (ICTY), in 1993, and the International Residual Mechanism for Criminal Tribunals after the ICTY completed its work, Serbia has, for the last quarter century, been travelling on a path of cooperation with the institution. Much has been done in this time. Speaking in this very Chamber in December 2017, I said that

> "[f]ighting impunity for the most serious international crimes and efficiently prosecuting war crimes were the key reasons for the establishment of the International Tribunal for the Former Yugoslavia." (*S/PV.8120, p. 30*)

Regrettably, the Tribunal has not realized the purpose for which it was established, nor has it provided answers to many important questions.

Serbia's cooperation with the Mechanism has been successful, and my country has fulfilled all its obligations. The results are also noticeable within its national legislative system, and its cooperation with the Mechanism has run unimpeded. The Office of the Prosecutor of the Mechanism has been given free access to all evidence, archives and witnesses. Requests have been attended to, and responses are being provided to the Office, Chambers and Secretariat of the Mechanism, including those related to classified Government and military documents. Witnesses have been cleared of the obligation to keep Government, official and/or military secrets.

As early as last June, a single Judge of the Mechanism ruled that the contempt-of-court case *Prosecutor v. Petar Jojić and Vjerica Radeta* be referred to Serbia, and the decision on the appeal of the Amicus Curiae Prosecutor is still pending. If the case is referred to the Serbian judiciary, it will be a step forward in my country's relationship with the Mechanism. As a State with an independent judiciary, Serbia can — and is willing to — comply with the obligation to try the case in accordance with the highest standards of judicial independence and the rule of law. In this context, let me point out that, during the case-referral process, the Amicus Curiae made comments in its submissions that were inappropriate and not founded on the legal facts or evidence, which accounted for the delays in the procedure. Considering that a small number of cases are before the Mechanism, we might conclude that not much work remains for the Mechanism to carry out. However, the legacy of the ICTY includes important questions that still should be addressed, lest they remain unresolved.

Ten years ago, Serbia launched an initiative to have its citizens who had been sentenced by the Tribunal serve their sentences in Serbia. When the initiative was launched, my country was motivated by a firm commitment to assuming the responsibility for enforcement of sentences. The purpose of punishment includes, inter alia, the social reintegration of sentenced persons. I believe that we can hardly expect this purpose to be fulfilled if sentenced persons serve their sentences in faraway countries where they do not understand the language, where the possibility of enlisting the help of a translator or receiving visits from and maintaining contact with friends and relatives are limited, and where medical treatment is inadequate. After all, nine persons of Serbian nationality have died during trials or while incarcerated.

Let me highlight the particularly difficult situation of Serbian nationals Milan Martić and Dragomir Milošević, who are serving their sentences in Estonia. I have already spoken of them on a number of occasions in this Chamber and with Judge Meron, President of the Mechanism. The International Committee of the Red Cross has also reported on their case. The position taken by the Secretary-General in his report to the Security Council on 3 May 1993, namely, that, given the nature of the crimes in question and the international character of the Tribunal, the enforcement of sentences should take place outside the territory of the former Yugoslavia, can hardly continue to be taken as valid. It made some sense while the war went on in the country. However, the situation today is altogether different, and my country insists that the question be reconsidered.

During his visit to Belgrade in November, President Meron gave his assurances that there were no obstacles to realizing this initiative. He advised that it be brought to the attention of the Security Council, under whose resolutions the Tribunal and the Mechanism have been established. I therefore take this opportunity to call on the Secretary-General to instruct the Mechanism to assess the initiative and make it possible for the Security Council to consider the current practice relative to the enforcement of sentences and decide on how to approach change.

Serbia is ready to accept strict international monitoring and provide guarantees that sentenced persons will not be released without a decision by the Mechanism. We invite its representatives, as well as representatives of other relevant institutions appointed by the Secretary-General, to visit Serbia and tour its prisons to assess the capacities and conditions of the facilities themselves. Let me reiterate that my country will continue to advance the initiative, all the more so as the sentenced persons are advanced in age and the majority of them are not in the best of health.

In February 2016, Serbia adopted a national strategy for the prosecution of war crimes for the period 2016-2020, thereby demonstrating its commitment to building up its national judiciary and supporting all judicial and administrative investigative agencies, as well as other independent monitoring and reporting organizations. Since the decision of the Government to establish a working body to monitor the implementation of the strategy in August 2017, four reports have been submitted on the progress made so far, the most recent of which was submitted on 21 November.

The adoption of the Prosecutorial Strategy for the Investigation and Prosecution of War Crimes in the Republic of Serbia in the period 2018 to 2023, in accordance with the Action Plan for Chapter 23 and the National War Crimes Prosecution Strategy, accentuated the importance of greater efficiency in processing war crimes. The funds to enhance the capacities of the Prosecutor's Office have been provided by the Government, while the number of the employees of the Office, in particular of Deputy Prosecutors, has been increased. Five new Deputies have been

appointed since the last meeting of the Security Council on this agenda item, in June (S/PV.8278). The Prosecutorial Strategy has also been commended by the Prosecutor's Office of the Mechanism. During the visit of Prosecutor Brammertz in October, agreement was reached on organizing a prosecutors' training course in March 2019, in cooperation with the Belgrade's Judicial Academy and as part of the Prosecutor of the Mechanism's support for Serbia. Mr. Brammertz will be one of the lecturers.

The progress report of the Prosecutor of the Mechanism notes that regional judicial cooperation in war crimes matters between the countries of the former Yugoslavia is at its lowest level in years and faces increasingly immense challenges. The report goes on to say that decisive action is needed to reverse the current negative trends and ensure that war criminals do not find safe haven in neighbouring countries.

It is important to note that, ever since the Tribunal was established, it adopted a selective, ethnically-tainted approach when it came to the number of both indictments in and case referrals to the judiciaries of the successor States of the former Yugoslavia. It turns out that, in the past, the Tribunal had the greatest confidence in the judicial institutions of Bosnia and Herzegovina. In more literary parlance, those courts used to be *i favoriti della regina*. This conclusion is borne out of the following data. The largest number of cases have been referred to courts in Bosnia and Herzegovina for trial: 6 out of 10 persons indicted by the ICTY. Most of them were Serbs. In contrast, Serbia and Croatia have received one case each, and none of those referrals concerns persons indicted for crimes against Serbs. Does that mean that no crimes have been committed against the Serbian population and that no one is responsible for the killing, torture and persecution of Serbs?

Notwithstanding the selective approach by the Tribunal, we can hardly agree with the assessment in the Mechanism's report that cooperation among countries of the region has been inadequate and that there has been equal refusal to cooperate. My country has made every effort to cooperate with the Mechanism and expects inter-State cooperation in the region to be at an appropriate level. Serbia has concluded bilateral agreements with Bosnia and Herzegovina and Croatia, while cooperation among regional judiciaries is based on the agreements concluded among the relevant Offices of the countries of the region and the Office of the War Crimes Prosecutor of the Republic of Serbia. We are fully committed to the full implementation of the agreements and relevant protocols. Unfortunately, not all of the countries in the region share this position. Let me point out in this context that my country's cooperation with Bosnia and Herzegovina in the provision of legal assistance is at a very high level. It is our hope that we will achieve this level of cooperation with Croatia.

Last March, a meeting between the Ministers of Justice of the Republic of Serbia and the Republic of Croatia was held in Belgrade. As a result, two commissions were established, one to exchange lists of persons indicted or sentenced for war crimes, and the other to draft a bilateral agreement relative to the processing of war crimes. The first commission has completed its task, while the second has been continually working on its assignment; a meeting of the latter commission's members is expected to be convened this month. We firmly believe that this is an important step forward in addressing outstanding bilateral issues, even though Croatia continues to try Serbs in absentia and without facts or sufficient evidence and, in the opinion of many, passes judgments lightly, thereby deliberately preventing Serbs expelled from Croatia from being able to return home. Serbia does not try cases in absentia; indeed, dozens of cases have simply been suspended.

From 1 January to 30 November, eight new indictments were confirmed by the Office of the War Crimes Prosecutor of the Republic of Serbia against 12 persons. Six of the indictments were transferred from the Prosecutor's Office of Bosnia and Herzegovina and one, against two persons, from the Prosecutor's Office of the Republic of Croatia. In 24 cases, the Office of the War Crimes Prosecutor of the Republic of Serbia received no response from the Prosecutor's Office of the Republic of Croatia on requests for evidence and information, despite the terms of the cooperation agreement.

Some 103 persons, most of them of Serbian nationality, have been tried in 23 cases in the War Crimes Department of the Higher Court in Belgrade; judgments in two cases were handed down right before the convening of today's meeting. That is eloquent proof that Serbia is ready to try all war crimes, irrespective of the citizenship of the perpetrator, which is not, I regret to say, the practice in the other countries of the region.

Unlike in a number of previous years, bilateral meetings of the Ministers of Justice of the Republic of Serbia, Bosnia and Herzegovina and the Republic of Croatia were held this year. I therefore see no reason why the efforts of the countries of the region, aimed at reconciliation, should not be given their due.

The progress report notes that judicial cooperation between Serbia and the self-declared State of Kosovo in war crimes matters had broken down. However, I would like to point out that cooperation is taking place through the United Nations Interim Administration Mission in Kosovo (UNMIK). UNMIK's competencies in the judicial field were set forth in the joint document signed by UNMIK and the Federal Republic of Yugoslavia in November 2001. All along, however, the judicial authorities of Serbia have been prevented from undertaking proceedings in cases of war crimes committed in the territory of Kosovo and Metohija. In addition to the refusal by Pristina to respond to cooperation requests by the Office of the War Crimes Prosecutor of the Republic of Serbia, UNMIK now makes INTERPOL notices related to Albanian terrorists from Kosovo and Metohija invisible for no apparent reason. UNMIK has not been mandated by the Security Council to act in this way. Yet still more serious consequences for the Serbian people in Kosovo and Metohija could result from recent irrational decisions taken by Pristina, and a humanitarian catastrophe of unprecedented proportions is possible. I hope that the international community will not remain silent and tolerate these blatant violations of basic human rights.

At the Western Balkans Summit in London on 10 July, the countries of the European Union and summit participants from the Western Balkans signed a joint declaration on missing persons, the key document upholding the rights of all families of the missing persons to truth, justice and compensation. The declaration, which was signed by the Prime Ministers of Serbia, Bosnia and Herzegovina, Albania, Austria, Bulgaria, Croatia, Germany, Italy, Poland, Slovenia and the United Kingdom, and the professed Prime Minister of Kosovo, expresses support for the efforts to find the 12,000 persons still listed as missing in conflicts in the former Yugoslavia. Of particular significance in the context of regional cooperation is the fact that, on 6 November, the Commission on Missing Persons of the Republic of Serbia signed the Framework Plan to Address the Issue of Persons Missing From Conflicts on the Territory of the Former Yugoslavia, at the headquarters of International Commission for Missing Persons in The Hague.

It is particularly worrisome that the progress report points to the publication of the memoirs of General Pavković. The publication of memoirs of one participant in the war — and not the only participant — cannot by itself be construed as a glorification of the position of one side. Memoirs are personal views of the events, and, under article 19 of the Universal Declaration of Human Rights, everyone has the right to freely express his or her opinions. It is not clear how the memoirs of Serbian convicts are the only ones to have found their way into the progress report of the Mechanism presented to the United Nations, whereas the memoirs of others of different nationalities have not. The progress report states that a key tool for ensuring continued cooperation with the Mechanism is the policy of conditionality of the European Union, which links membership progress to full cooperation with the Mechanism. The Mechanism's position of asserting pressure on Serbia as we undergo European Union accession negotiations goes against the theme of cooperation with my country. That position has always illustrated that the Mechanism is of a political nature, not a legal one. That has been the Mechanism's principal shortfall from the time it was established.

In conclusion, let me point out that, notwithstanding that shortfall, the cooperation between Serbia and the Mechanism has been successful. There are no outstanding issues in our cooperation, and I trust and believe that the efforts invested by my country will be acknowledged and presented in the coming reports.

The President (*spoke in French*): I now give the floor to the representative of Bosnia and Herzegovina.

Mr. Dronjic (Bosnia and Herzegovina): At the outset, let me congratulate you, Mr. President, on assuming the presidency of the Security Council for the month of December. It is nice to see an African country presiding over the Council. I would also like to thank Judge Theodor Meron, President of the International Residual Mechanism of the Criminal Tribunals, and its Prosecutor, Mr. Baron Serge Brammertz, for their reports. It seems as if Judge Meron has been a part of the Mechanism forever, and therefore it is hard to believe that he has just delivered his last report to the Council. I understand why he feels relieved to complete his mandate, and I wish him all the best in his future

endeavours. His legacy will be safe within the archives of the Mechanism.

We join others in taking note of the progress achieved by the Mechanism during the reporting period, as well as the additional advances it has made with regard to its residual functions. We also take note of the intensive efforts to strengthen its activities and improve its operations, procedures and working methods. It remains crucial to provide the necessary support for the work of the Mechanism and align together all the elements necessary for the successful conclusion of the its mandate within a reasonable period of time. It is of the utmost importance to highlight that, throughout the years, Bosnia and Herzegovina's cooperation with the International Tribunal for the Former Yugoslavia has been steadfast and full, as stated in the reports of the Tribunal. Accordingly, we remain committed to contributing actively to the Mechanism's efforts to accomplish its mission. Furthermore, we encourage the Mechanism to continue to seek ways to maximize the effectiveness and efficiency of its work in order to fulfil its mandate.

We appreciate the continued support and assistance of the Office of the Prosecutor to our national judicial authorities in charge of prosecuting war crimes cases, as that remains vital for us to pursue and fulfil our commitments. We are also fully aware that the main burden to ensure accountability for all the crimes committed lies primarily on us. Bosnia and Herzegovina remains committed to the fight against impunity. The precondition for that is to have accountable and independent judicial institutions that enjoy public trust throughout the country. That goes not only for prosecuting and punishing individual perpetrators of war crimes but also for achieving reconciliation among Bosniaks, Croats and Serbs, who are constituent peoples of Bosnia and Herzegovina.

We take note of the Prosecutor's assessments on the progress in achieving accountability for crimes committed in the former Yugoslavia, although national jurisdictions still face a significant backlog of war crimes to process. In that regard, Bosnia and Herzegovina attaches great importance to the promotion of stronger and more coordinated regional cooperation among prosecutors' offices. It is necessary for Member States to fully cooperate with the Mechanism in order for justice to be done. Likewise, judicial cooperation in the region remains essential to ensure accountability and bring about reconciliation. In that regard, the cooperation between the State Prosecutor's Office of Bosnia and Herzegovina and the Office of the War Crimes Prosecutor of the Republic of Serbia is recognized as a productive example of that. Genuine reconciliation strength lies in our joint efforts to deliver justice to the many victims within our region. As noted, the Prosecutor's Office of Bosnia and Herzegovina has made steady improvement in prosecuting war crimes cases. During the reporting period it filed 16 new indictments, and more are expected by the end of the year. That includes indictments in complex cases. As for the so-called category II cases, it has been noted that they have all been processed, and trials and appeals are under way. Overall, significant progress has been achieved, and we remain committed to proceeding in the same manner.

We are continuing our overall efforts to strengthen the national justice systems at all levels. We are currently in the process of identifying and defining further activities necessary to advance the implementation of our national war crimes strategy in order to bring to justice persons responsible for war crimes. In that regard, we also rely on the continued support of the European Union, the Organization for Security and Cooperation in Europe and the United Nations Development Programme in order to strengthen the human and material resources of judicial institutions to process war crimes cases in Bosnia and Herzegovina, and for general capacity-building, which is important for the full implementation of the measures and goals set out in our national war crimes strategy.

The fight against impunity in a complex, multinational State such as Bosnia and Herzegovina is a precondition for achieving reconciliation and sustaining peace. In that regard, prosecuting war crimes, regardless of the national or religious affiliation of the perpetrators or victims, is of crucial importance for long-term stability in the country and the region. Once again, we confirm our strongest commitment to accountability and the delivery of justice without selectivity or hesitation.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Drobnjak (Croatia): I welcome the honourable President of the International Residual Mechanism of the Criminal Tribunals, Judge Theodor Meron, as well as its Prosecutor, Mr. Serge Brammertz, and I thank them for today's briefings on the work of the Mechanism. At

the outset, let me express our gratitude to and praise for Judge Meron for all he has accomplished as President of the Mechanism, and prior to that at the International Tribunal for the Former Yugoslavia (ICTY). I would also like to congratulate Judge Carmel Agius on his appointment as President of the Mechanism as of 19 January 2019 and wish him every success in his future endeavours.

Croatia fully supports the Mechanism in its mission to bring to justice the most prominent perpetrators of the horrible crimes committed during the 1990s in the territory of the former Yugoslavia. A significant number of victims and their families still have not received long-awaited justice, and we hope that the work of the Mechanism will contribute to that. It is therefore important to avoid any delays or setbacks in the implementation of the Mechanism's mandate. Croatia has not hesitated to do its part in ensuring accountability. Many trials have been completed to date and some are still ongoing. However, there are war crimes cases that have not been fully investigated or prosecuted yet. We owe it to the victims of those atrocities to leave no judicial stone unturned. Croatia thus continues to investigate and prosecute war crimes committed in its territory since 1991 onwards.

At the same time, Croatia continues to pay great attention to the remaining cases before the Mechanism. They are of the utmost importance to the legacy of accountability for aggression against Croatia and Bosnia and Herzegovina in the last decade of twentieth century. We expect all of them to be completed within a reasonable period of time, without any delays.

When it comes to the efficiency and time management of proceedings, the work of ICTY, which closed its doors a year ago, is not the best case to follow. The Residual Mechanism must draw the necessary lessons from the ICTY's shortcomings and ensure the steady and unimpeded progress of all its proceedings.

The Mechanism's functions are clearly defined and include the tracking and prosecution of remaining fugitives, appeals proceedings, review proceedings, retrials, trials for contempt and false testimony, monitoring cases referred to national jurisdictions, the protection of victims and witnesses, the supervision of the enforcement of sentences, assistance to national jurisdictions upon request, and the preservation and management of archives. These are important tasks and Croatia extends all its support to Mechanism's efforts to meet them in full. At the same time, we expect the Prosecutor, in fulfilling his functions, to focus squarely on cases and tasks assigned to him by the Mechanism's agenda and mandate.

Cooperation with the Mechanism, as previously with the ICTY, as well as regional cooperation among the States concerned pertaining to war crimes issues, have no alternative. Croatia also attaches great importance to continued constructive cooperation with other States of the region. Nonetheless, it has to be emphasized that meaningful regional cooperation is not a one-way street. It requires trust among the States concerned and goes hand in hand with the willingness and sincere commitment of all States to prosecute war crimes, without any double standards or exemptions in relation to their nationals or members of certain national groups.

We are deeply concerned over the spreading practice of denial of past wrongdoings throughout the region. That revisionism goes hand in hand with the glorification of war criminals and the crimes committed. All of this evokes the traumas of the past and has destructive effects on the stability of the region.

The issue of missing persons remains at the top of our agenda, with many cases remaining unsolved. Cooperation among States of the region is a necessary precondition for the successful completion of the process of clarifying the fate of missing persons and providing relief to their families. Certain small steps forward have been made, but much more needs to be done, and there is not one justified reason to delay the identification of a thorough solution to this problem. Serbia still shows no readiness to open its archives, which would be a crucial step forward. We welcome the role of the Mechanism in supporting the search for missing persons, and in this regard we note the cooperation established between the Office of the Prosecutor and the International Committee of the Red Cross following their recent signature of a memorandum of understanding.

In conclusion, I would like to reiterate, as I have on many occasion before, that Croatia remains firmly committed to development of good relations and cooperation with neighbouring States, and we strongly support their aspirations towards the European Union, based on strict and full compliance with the membership conditions.

The President (*spoke in French*): I now give the floor to the representative of Rwanda.

Mrs. Rugwabiza (Rwanda): Mr. President, I thank you, Sir, and Côte d'Ivoire for organizing today's debate. Since the beginning of Côte d'Ivoire's presidency last week, this is the third debate you have organized and the third time I am addressing the Council this month. It is a testament both to your productive presidency and to the vital pertinence to Rwanda of the issues you have focused on.

I thank Judge Meron and Prosecutor Brammertz for their briefings. I also take this opportunity to thank Prosecutor Brammertz for the cooperation between his Office and the Office of the Prosecutor General of Rwanda and other judicial authorities, particularly with regard to recent judicial activities relating to cases of contempt of court and incitement to commit contempt of court in which five Rwandan nationals, including a former investigator on one of the genocide convicts defence team, have been charged with participating in a joint criminal enterprise to overturn the conviction of Augustin Ngirabatware, a genocide convict who was a Minister in the Government that abetted the genocide in 1994. Many others who have spoken before me have referred to that case.

In another recent development in Rwanda, in September more than 2,000 inmates convicted of various crimes, including genocide denial, were granted early release. That is further evidence of Rwanda's choice to pursue restorative justice rather than retributive justice. These developments remind us that the pursuit of justice for crimes of genocide requires a long-term commitment — a commitment that necessitates resolve, consistency and an understanding of the essential contribution of justice to ending a culture of impunity.

As we mark the seventieth anniversary of the adoption of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, let us all remember that it is not for lack of legal frameworks that the 1994 genocide against the Tutsi in Rwanda was perpetrated. Frameworks are only frameworks; they do not implement themselves; institutions and people do. They require consistent implementation and enforcement by national institutions.

We also note that this is the final briefing by Judge Theodor Meron. This is a time for us to look at what has been achieved, but more importantly this is a point of transition that provides us with an opportunity not only to take stock of the work done by the Mechanism but also offer the incoming President recommendations that Rwanda believes can strengthen the work of the Mechanism.

Of pivotal importance, we expect the next President to improve the methods of work of the Mechanism by making them more transparent, accountable and inclusive of all stakeholders' views. The point we are making here seems like very basic common sense; however, recent years have shown us that common sense has at times eluded the Mechanism, not least in its treatment of early releases of genocide convicts. The lack of consistency is the widest avenue to partiality. We find it strange that our consistent demands for consistency and accountability have at times been considered as carrying political connotations. Consistency and accountability have never undermined the independence of judicial processes; if anything, they actually protect it. As a Member State and a stakeholder in the Mechanism, Rwanda cannot overstate the importance of improved transparency and accountability in the Mechanism.

I wish to make four simple recommendations, all of which my Government has consistently articulated but are yet to be implemented.

First, the force and effect of international criminal law must be strengthened by instituting a comprehensive provision for conditional early release of genocide convicts who are deemed eligible for early release. Secondly, we must combat genocide ideology in all its manifestations and forms, including genocide denial by those who have been convicted of genocide and have benefited from early release. Thirdly, we must step up our efforts and collaboration among States to apprehend fugitives that remain at large. Fourthly, we must send the genocide convicts still in the custody of the Mechanism to serve out the remainder of their sentences in Rwanda. Those are the four simple recommendations that my Government wishes to make.

At this stage, we commend the leadership of the Permanent Representative of Peru as the Chair of the Informal Working Group on the International Tribunals. My Government takes note that, as an initial result of the implementation of resolution 2422 (2018), conditions for early release have been applied by the Mechanism to one convict seeking early release. That is encouraging, but, again, we note the lack of

consistency. What is the justification for this ad hoc approach? Why only one? We urge the Mechanism to put in place comprehensive, consistent and rigorous provisions for all grants of conditional early release, based on clear eligibility requirements. We once again point to the Residual Special Court for Sierra Leone as a best practice.

Having a comprehensive and rigorous approach to conditional early release would ensure that the Court grants conditional release only to those who have demonstrated adequate rehabilitation, and avoid the repeated occurrence of what has been reported by the Prosecutor, that "those granted early release often deny the crimes and their criminal responsibility immediately upon release" (*S/2018/1033, annex II, para. 30*).

The Mechanism should also step up its efforts aimed at monitoring the activities of genocide convicts who have benefited from early release, and who are nevertheless indulging in activities that propagate genocide ideology and genocide denial. We continue to witness groups purporting to speak on behalf of genocide convicts, sometimes involving individuals who once worked with the Tribunal. We will gladly share details with whomever is interested.

Sending genocide convicts to serve out the remainder of their sentences in Rwanda would be beneficial to the Mechanism, to Rwanda and to the broader membership. It would help alleviate the funding constraints faced by the Mechanism, but more importantly, the rehabilitation of convicts would be accelerated by serving out their sentences in Rwanda, where they committed their crimes.

The success of Rwanda's restorative justice system has been well documented. Our focus on restorative justice, rather than retributive justice, has enhanced our ability to reconcile and live together in unity, even after the genocide and after such horrible crimes. In addition, Rwanda's capacity to ensure high standards of justice is seen in a number of cases from other States being successfully referred to Rwanda for trial. It is now evening in Kigali. As we speak, a Rwandan genocide suspect, Mr. Wenceslas Twagirayezu, who sought refuge in Denmark, is being extradited to Rwanda to face justice. He is landing in Rwanda now, as we speak.

Finally, we take note of the Prosecutor's progress in tracking genocide fugitives. We join him in calling on Member States to cooperate with the Mechanism in order to locate and apprehend the remaining fugitives. These fugitives have not left for outer space; they are living peacefully and quietly in host countries, many of which are members of the Council, and some of which are incoming members of the Council starting early next year. We expect all Council members — current and incoming — to lead by example by matching their pronouncements of commitment to international justice with tangible steps, either by prosecuting fugitives themselves or by fulfilling their international obligations through effective cooperation with the Prosecutor of the Mechanism.

The meeting rose at 12.45 p.m.

United Nations S/PV.8417

Security Council

Distr.: General
11 December 2018

Original: English

Official communiqué of the 8417th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Tuesday, 11 December 2018, at 3 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 11 December 2018, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 8417th meeting in private with the troop- and police-contributing countries to the United Nations Disengagement Observer Force.

"The President invited Mr. Alexandre Zouev, Assistant Secretary-General for Rule of Law and Security Institutions in the Department of Peacekeeping Operations, to participate in the meeting in accordance with rule 39 of the Council's provisional rules of procedure.

"The Security Council and the troop- and police-contributing countries heard a briefing by Mr. Zouev.

"Members of the Council, Mr. Zouev and representatives of participating contributing countries had an exchange of views."

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United Nations S/PV.8418

Security Council

Seventy-third year

Provisional

8418th meeting
Wednesday, 12 December 2018, 10 a.m.
New York

President:	Mr. Adom	(Côte d'Ivoire)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Solíz
	China	Mr. Ma Zhaoxu
	Equatorial Guinea	Mr. Ndong Mba
	Ethiopia	Mr. Amde
	France	Mr. Delattre
	Kazakhstan	Mr. Umarov
	Kuwait	Mr. Alotaibi
	Netherlands	Mr. Van Oosterom
	Peru	Mr. Meza-Cuadra
	Poland	Ms. Wronecka
	Russian Federation	Mr. Nebenzia
	Sweden	Mr. Skoog
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Pompeo

Agenda

Non-proliferation

Letter dated 30 November 2018 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council (S/2018/1070)

Sixth report of the Secretary-General on the implementation of Security Council resolution 2231 (2015) (S/2018/1089)

Letter dated 11 December 2018 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council (S/2018/1106)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

18-43369 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Non-proliferation

Letter dated 30 November 2018 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council (S/2018/1070)

Sixth report of the Secretary-General on the implementation of Security Council resolution 2231 (2015) (S/2018/1089)

Letter dated 11 December 2018 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council (S/2018/1106)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Germany and the Islamic Republic of Iran to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs; and Mr. Serge Christiane, Chargé d'affaires ad interim of the Delegation of the European Union to the United Nations.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to the following documents: S/2018/1070, which contains the text of a letter dated 30 November 2018 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council; S/2018/1089, which contains the sixth report of the Secretary-General on the implementation of Security Council resolution 2231 (2015); and S/2018/1106, which contains the text of a letter dated 11 December 2018 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council.

At this meeting, the Security Council will hear briefings by Ms. DiCarlo, Mr. Christiane and Ambassador Van Oosterom.

I now give the floor to Ms. DiCarlo.

Ms. DiCarlo: Resolution 2231 (2015) endorsed the Joint Comprehensive Plan of Action (JCPOA), which came into effect on 16 January 2016. The Secretary-General welcomed the Plan as a demonstration of successful multilateralism and a major achievement of nuclear non-proliferation, dialogue and diplomacy. Last month, as it has done since implementation day, the International Atomic Energy Agency reported to the Council that Iran continues to implement its nuclear-related commitments.

The Secretary-General welcomes the reaffirmation by JCPOA participants of their commitments to its full and effective implementation. It is essential that the Plan continue to work for all participants, including by delivering tangible economic benefits for the Iranian people. The Secretary-General regrets the reimposition by the United States of its sanctions lifted pursuant to the Plan, after its withdrawal from the JCPOA. The Secretary-General believes that issues not directly related to the Plan should be addressed without prejudice to preserving the agreement and its accomplishments. At the same time, he calls on Iran to carefully consider and address the concerns expressed by Member States about its activities in relation to the restrictive measures contained in annex B to the resolution. The Secretary-General notes that the Plan remains in effect and that the Security Council has called upon all Member States and regional and international organizations to support implementation of the Plan and to refrain from actions that undermine it.

I thank you, Mr. President, for this opportunity to brief the Security Council on the sixth report of the Secretary-General on the implementation of resolution 2231 (2015) (S/2018/1089). As guided by the Security Council, and consistent with our previous reports, the report before the Council today is focused on annex B to the resolution.

First, on the implementation of the nuclear-related provisions, the Secretariat has received additional information on two dual-use items destined for Iran, which were seized by the United Arab Emirates. The States that manufactured those items informed the Secretariat that, in their assessment, they did not require prior approval by the Security Council through

the procurement channel process. In addition, the Secretariat continues to examine information related to the possible transfer of other items, undertaken contrary to the resolution, which were brought to its attention by the United Arab Emirates and the United States.

It is our assessment that the procurement channel remains a vital transparency and confidence-building mechanism. It ensures that the transfers of certain goods, technology and/or related services to the Islamic Republic of Iran are consistent with resolution 2231 (2015) and the Plan. Forty-two proposals have been submitted to the procurement channel since January 2016, of which 28 have been approved. The Secretary-General encourages all States and the private sector to fully utilize and support the channel.

Secondly, on the ballistic-missile-related provisions, the report reflects information provided to the Secretary-General and to the Security Council by France, Germany, Iran, Israel, the Russian Federation and the United Kingdom on additional ballistic-missile flight tests reportedly conducted by Iran since January 2018, as well as on the launch of several ballistic missiles at targets in Syria on 1 October 2018. The Security Council met on 4 December to consider the reported test firing of a further medium-range ballistic missile by Iran on 1 December.

Since our previous report (S/2018/602), the Secretariat has examined the debris from three more ballistic missiles launched at Riyadh by the Houthis in March and April. That debris was consistent with that from the five missiles examined previously, which the Secretariat assessed shared key design features with the Iranian Qiam-1 ballistic missile and had components parts manufactured in Iran. However, the Secretariat has not been able to determine whether such missiles, or parts thereof, or related technology, had been transferred from Iran after 16 January 2016, the date when annex B provisions came into effect.

Thirdly, in terms of the arms-related provisions, during the reporting period the Secretariat examined two container launch units for anti-tank guided missiles recovered in Yemen. The Secretariat found that they had characteristics of Iranian manufacture and that their markings showed production dates in 2016 and 2017. The Secretariat also examined a partly disassembled surface-to-air missile seized by the Saudi-led coalition and observed that its features appeared to be consistent with those of an Iranian Sayyad-2C missile. The Secretariat is still analysing available information on additional unmanned aerial vehicles recovered in Yemen, including some that appear to have the same design features as the Iranian-made Ababeel-2.

The report also reflects the fact that the Secretariat examined a shipment of about 2,500 assault rifles seized by the United States in the Gulf of Aden in August. The Secretariat observed that those weapons did not have the characteristics of Iranian production. The Secretariat will further analyse that seizure and report back accordingly should new information become available. In addition, the report includes information received from Israel and Iran regarding the alleged transfer of an Iranian-produced Khordad air defence system to the T-4 airbase in Syria in April.

The report also highlights the continued participation of Iranian entities in another foreign arms exhibition, held in Baku in September. In relation to the travel-ban provisions, the report provides additional information on previous travel by Major General Qasem Soleimani to Iraq in May.

In conclusion, I would like to thank His Excellency Ambassador Karel van Oosterom of the Netherlands for his tenure as Facilitator for the implementation of resolution 2231 (2015). I would also like to take this opportunity to congratulate His Excellency Mr. Marc Pecsteen de Buytswerve of Belgium, who will assume the functions of Facilitator on 1 January 2019. I assure him of the Secretariat's full support. I would also like to thank the Coordinator of the Procurement Working Group of the Joint Commission for our continued cooperation.

The President (*spoke in French*): I thank Ms. DiCarlo for her briefing.

I now give the floor to Mr. Christiane.

Mr. Christiane (*spoke in French*): I thank Ms. Rosemary DiCarlo for her briefing.

(*spoke in English*)

I am honoured to again address the Security Council today on behalf of Ms. Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy, in her capacity as the Coordinator of the Joint Commission established by the Joint Comprehensive Plan of Action (JCPOA).

First, I would like to thank Secretary-General António Guterres and His Excellency Mr. Karel van

Oosterom, Ambassador of the Netherlands, who is serving as the Facilitator for the implementation of resolution 2231 (2015), for the excellent cooperation throughout the year. Let me also express my gratitude to our colleagues in the Secretariat for their unwavering support and their excellent cooperation, in particular regarding the running of the procurement channel. I would also like to note my appreciation for their work in the preparation of the latest report of the Secretary-General (S/2018/1089) on the implementation of resolution 2231 (2015).

As we approach the third year after implementation day of the Joint Comprehensive Plan of Action, we should remind ourselves of the essence and scope of that agreement. The JCPOA is a nuclear agreement — one that is working and delivering on its goal, which is no other than ensuring the exclusively peaceful nature of Iran's nuclear programme. This third anniversary should also remind us that diplomacy does work, and that international agreements can deliver results, even on the most sensitive issues. The International Atomic Energy Agency (IAEA) has confirmed in 13 consecutive reports that Iran continues to implement its nuclear-related commitments.

On that issue, our position remains unchanged. As long as Iran continues to implement its nuclear-related commitments in full, the European Union (EU) will remain committed to the continued full and effective implementation of the agreement. For us, the non-proliferation benefits of the JCPOA are clear and based on comprehensive scientific analysis and breakout time calculations. The JCPOA has significantly rolled back the Iranian nuclear programme and ensures that Iran does not acquire material or equipment to develop a nuclear weapon. That is why the JCPOA continues to enjoy the wide and full support of the broader international community.

However, the JCPOA faces considerable challenges following the withdrawal of the United States and the reimposition of sanctions against Iran. The EU and all 28 member States deeply regretted those decisions made by the United States. At their last Council meeting on 10 December, the 28 EU Foreign Ministers reiterated their full commitment to the continued implementation of the deal as long as Iran continues to implement its commitments in full. The EU also does not see any other credible, peaceful alternative. Dismantling the agreement would not only destroy years of diplomatic efforts, endorsed by this very organ in resolution 2231 (2015), but would also undermine other key multilateral negotiations in the nuclear field and beyond.

While the EU strongly welcomes Iran's continued implementation of its nuclear-related commitments, it is essential that the agreement continue to work for all its participants, including by delivering tangible economic benefits to the people of Iran. That has also been echoed by the other remaining participants in the JCPOA, and I would like to express sincere thanks for their unwavering commitment to the nuclear deal.

It is in that spirit that the JCPOA participants acknowledged, at the recent ministerial Joint Commission meetings, on 6 July in Vienna and 24 September in New York, that sanctions-lifting is an essential part of the deal, and they reiterated their commitment to the preservation and maintenance of effective financial channels with Iran and the continuation of Iran's export of oil and gas.

The EU is very concerned about the deteriorated economic situation of the people of Iran. The Iranian economy is facing strong challenges. We are also concerned about the challenges that the Iranian people face in terms of access to basic goods, including vital medicines. We are also fully cognizant of the fact that this situation may lead to a difficult domestic debate in Iran on the JCPOA and its future.

In that context, EU High Representative Federica Mogherini and the Foreign Affairs and Finance Ministers of Germany, the United Kingdom and France (E3) stated their commitment in their joint statement of 2 November to advance the intensive work led by the E3, with the support of the EU, to set up a special purpose vehicle. The aim of that initiative is to facilitate trade payment and provide the necessary sovereign reassurances to the market participants engaged in legitimate business with Iran. That is in addition to a number of EU measures that were taken in August regarding the update of the Blocking Statute and the lending mandate of the European Investment Bank. I want to be very clear that the European initiative to set up a special purpose vehicle is about respecting the nuclear deal's commitments, including on sanctions-lifting, in full accordance with resolution 2231 (2015) and European law. It is not directed against any State or meant to circumvent unilateral measures.

While the JCPOA deals with nuclear non-proliferation aspects, a number of serious issues outside of the deal continue to cast a shadow. The

EU notes with concern the findings of the Secretary-General's report regarding Iranian activities in relation to the restrictive measures contained in annex B of resolution 2231 (2015), and in particular restrictions on ballistic missile-related activities and transfers. Those actions feed regional tensions and threaten safety and stability in the region.

As members of the Council know, the EU has a long-standing track record of expressing its concern over the regional military build-up, including Iran's missile programme. The EU has repeatedly called upon Iran to refrain from activities that may deepen mistrust, such as ballistic missile tests, which are inconsistent with resolution 2231 (2015), and the statements associated with them. The situation in the region, including the proliferation of ballistic missiles, needs to be addressed as a priority, and the EU welcomes the Secretariat's further examinations. The EU still has restrictive measures in place to that effect, but those issues are distinct from the JCPOA. Dismantling a nuclear deal that is working would certainly not put us in a better position to discuss other issues or provide an immediate solution. The EU also strongly believes that addressing those difficult issues can be done in a more effective manner through dialogue.

The EU hosted the fourth round of EU/E4 discussions on regional issues with Iran on 10 December. The main focus was Yemen and Syria, with both sides publicly acknowledging the importance of the United Nations-facilitated talks in Sweden and agreeing to work on confidence-building measures in support of the United Nations Special Envoy. That indicates that our dialogue with Iran is yielding concrete results.

Annex III of the JCPOA addresses civil nuclear cooperation with Iran. That annex was carefully crafted and it plays a key role in the overall balance of the agreement. The JCPOA is not just about constraints on Iran's nuclear programme. It is also about cooperation — broader long-term re-engagement with Iran — through which we can understand Iran's civil nuclear needs better and gradually increase our confidence in Iran's nuclear programme. That makes the agreement more durable in time.

Cooperation is the right path for us, and for that reason, every step in the implementation of annex III is a positive one. The EU has launched several projects and actions in support of annex III since implementation day. To that effect, we recently organized the third EU-Iran high-level seminar on international nuclear cooperation. The objective of the seminar was to build on previous discussions and the understanding that international nuclear cooperation and nuclear governance are mutually reinforcing.

Established under annex IV of the JCPOA, the procurement channel remains a unique non-proliferation and confidence-building instrument. It can help prevent the misuse of nuclear or dual-use items and ensures that exports of such items are consistent with the JCPOA. We expect that all Security Council members will continue to support the preservation of that channel, in line with resolution 2231 (2015). It is a positive signal that the channel has also received proposals after the reimposition of United States sanctions.

Transparency remains a guiding principle and cornerstone of the JCPOA. According to paragraph 6.10 of the JCPOA annex IV, the Joint Commission reports to the Security Council every six months on the status of the Procurement Working Group's decisions and on any implementation issue. In that context, on 30 November, the Coordinator of the Procurement Working Group submitted to the Facilitator, on behalf of the Joint Commission, its sixth biannual report. The report has been circulated as a document of the Security Council (S/2018/1070).

An impressive amount of outreach has been conducted during the past few years, and countries around the world are aware of the channel's procedures. We will continue our outreach efforts, together with colleagues from the Security Council secretariat and the Facilitator.

As I already said, we should not forget that the JCPOA is a nuclear agreement. It is working and delivering on its intended goal. That is why the EU is united with so many countries in support of this deal and calls once again on the international community to continue to support this internationally endorsed agreement.

The President (*spoke in French*): I now give the floor to Ambassador Van Oosterom.

Mr. Van Oosterom (Netherlands): Let me begin by thanking United States Secretary of State Pompeo for gracing us with his presence in the Chamber today. We welcome him to the Security Council.

I speak in my capacity as Security Council Facilitator for the implementation of resolution 2231 (2015).

In July 2015, the Security Council adopted resolution 2231 (2015) (see S/PV.7488). Three months later, the Joint Comprehensive Plan of Action (JCPOA) came into effect. The agreement aims to ensure that the Iranian nuclear programme remains exclusively peaceful. Resolution 2231 (2015) terminated the previous Security Council resolutions on the Iranian nuclear issue and urged the full implementation of the JCPOA. It also established specific restrictions in relation to Iran. This year, as Security Council Facilitator for the resolution, we have aimed to support its implementation. We have built on the excellent work of Italy, which we succeeded as Facilitator in the context of our split term on the Council for the period 2017-2018. We consider three elements to be key to the role of Facilitator and to that of the format: first, talks; secondly, transparency; and thirdly, trade.

My first point concerns talks. Our ambition has been to facilitate talks about the implementation of resolution 2231 (2015). As Facilitator, we have facilitated such talks through communication with all parties, through the discussion of the Security Council in the 2231 format and through smooth correspondence within the format. The Security Council met on 10 December under the 2231 format. We discussed the findings and recommendations contained in the sixth report of the Secretary-General (S/2018/1089) on resolution 2231 (2015) prior to its public release. Under-Secretary-General DiCarlo already pointed to some of his findings and recommendations in her statement.

The format held an open discussion on ballistic missile launches by Iran, as well as on broader developments related to resolution 2231 (2015). During the reporting period, several Member States sent communications to the Security Council alleging transfers and activities by Iran that fall under the restrictions under resolution 2231 (2015). Those communications are listed in detail in my report (see S/2018/1106), together with the replies received from the Permanent Mission of Iran. Iran also sent several letters in which it laid out its concerns with the United States withdrawal from the JCPOA and the reimposition of all its national sanctions that had been lifted or waived pursuant to the JCPOA.

I now turn to my second point — the facilitation of transparency concerning the work of the 2231 format. Our reports have given a comprehensive overview of the work of the format this year, the continued monitoring activities of the International Atomic Energy Agency and the discussion on activities related to annex B to resolution 2231 (2015). The reports have also included key aspects of the functioning of the procurement channel.

That brings me to my third point — the facilitation of trade by encouraging the use of the procurement channel. The channel reviews proposals by States seeking to participate in or permit certain transfers of nuclear and dual-use goods, technology or services to Iran. Since the beginning of 2016, 42 proposals have been submitted to the procurement channel by five Member States from three different regional groups. They include States that are not participants in the JCPOA. On average, proposals were processed in fewer than 50 calendar days. Since the withdrawal of the United States from the JCPOA, five additional proposals have been submitted through the Security Council. The channel is operational and effective. We encourage all States and the private sector to fully utilize and support it.

In conclusion, the unanimous adoption of resolution 2231 (2015), which endorsed the JCPOA, marked a fundamental shift concerning the Iranian nuclear issue. As Security Council Facilitator for the resolution, we have aimed to support and improve its implementation through the facilitation of talks, transparency and trade. In that effort, I would also like to thank the Secretariat for its hard work in support of both myself and the format this year. We would also like to commend the leadership of Under-Secretary-General DiCarlo and the European Union. As this is my last Security Council briefing in my capacity as Facilitator, I would like to wish my successor, Ambassador Marc Pecsteen de Buytswerve of Belgium, every success.

The President (*spoke in French*): I thank Ambassador Van Oosterom for his briefing.

I shall now give the floor to those members of the Council who wish to make statements.

I call on His Excellency Mr. Michael Pompeo, Secretary of State of the United States of America.

Mr. Pompeo (United States of America): I thank representatives for the kind words. I appreciate them.

Just two days ago, the Head of the Aerospace Force of the Islamic Revolutionary Guard Corps, Amir

Hajizadeh, boasted that Iran is capable of building missiles with a range beyond 2,000 kilometres. He said,

> "We have the ability to build missiles with broader ranges. We don't have limitations from a technical perspective."

He also said that there are many enemy bases within 800 kilometres of Iran — in other words, within striking distance of Iranian missiles. He bragged that Iran carries out 40 to 50 tests per year.

As I will talk about further, it is clear that the Iranian regime ballistic missile activity has grown since the nuclear deal. Iran has exploited the goodwill of nations and defied multiple Security Council resolutions in its quest for a robust ballistic missile force. The United States will never stand for that; no nation that seeks peace and prosperity in the Middle East should either.

The Council has been telling Iran to stop testing and proliferating ballistic missiles in one form or another since 2006. From 2010 to 2015 Iran was subject to resolution 1929 (2010), the strictest resolution addressing the Iranian ballistic missiles to date. In that resolution, the Security Council decided that Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take the necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities. That provision of resolution 1929 (2010) imposed a legal prohibition on Iran's ballistic missile activity. There was the force of law behind those words. Nevertheless, Iran conducted multiple ballistic missile launches between 2010 and 2015, in flagrant violation of that resolution.

What did we do in response? Did we increase accountability in Iran for serial violations of international law? We did quite the opposite. In fact, the level of accountability in Iran has diminished, while the risk has increased. In connection with the Iranian regime's engagement in nuclear talks and at the Obama Administration's urging, the Security Council replaced resolution 1929 (2010) with resolution 2231 (2015). The latter calls upon Iran not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons. Notwithstanding that change in language, the world's concerns remain.

When we collectively call on Iran to cease its ballistic missile activity, we must agree to stop it now. But Iran is as defiant of the world's insistence as ever — because here we are, for the twelfth year in a row, meeting about Iran's ballistic missiles and addressing an incredibly problematic data set. Iran's pace of missile activity, including its missile launches and tests, has not diminished since the Joint Comprehensive Plan of Action (JCPOA) was adopted. In fact, Iran's missile testing and proliferation is growing. Today Iran has the largest arsenal of ballistic missiles in the Middle East. It has more than 10 ballistic missile systems in its inventory or in development. It has hundreds of missiles, and they pose a threat to our partners in the region.

More recently, in 2016, while the JCPOA was in effect, Iran unveiled two new short-range ballistic missiles that it claims are capable of striking targets between 500 and 700 kilometres. In January 2017, while the JCPOA was in effect, Iran launched a medium-range missile that was designed to carry a payload greater than 500 kilograms and that could be used to carry nuclear warheads. Its suspected range also approaches 2,000 kilometres, which is far enough to target Athens, Sofia, Bucharest and other major European cities. If the Commander of the Aerospace Force of the Islamic Revolutionary Guard Corps is telling the truth and Iran does have capabilities beyond a 2,000-kilometre range, other European capitals are at risk as well.

In July 2017, when United States was still a party to the JCPOA, Iran tested a Simorgh space-launch vehicle. The United States, France, Germany and the United Kingdom all assessed that the launch was inconsistent with resolution 2231 (2015) because space-launch vehicles use a technology similar to intercontinental ballistic missiles. Iran has exported ballistic missile systems as well — most recently to Yemen. We have hard evidence that Iran is providing missiles, training and support to the Houthis and that the Iranian-Houthi missile arsenal is fully engaged. That poses a threat to innocent civilians, including Americans living in Riyadh, Abu Dhabi and Dubai, as well as people of all nationalities who travel on civilian aircraft in that region. Iran is also transferring ballistic missile systems to Shia militias in Iraq. Just look at the past two weeks. The Iranian regime test-fired a medium-range ballistic missile that is capable of carrying multiple warheads. Our goodwill gestures have been futile in correcting the Iranian regime's reckless missile activity and its destructive behaviours. No nation can dispute that Iran openly defies resolution 2231 (2015).

The United States is not alone in raising these concerns. I would like to thank France, Germany and the United Kingdom for raising concerns about Iranian missile proliferation to the Secretariat. I would also like to thank our partners from Saudi Arabia and the United Arab Emirates, who are working with United Nations inspectors to recover material debris of the Iranian-supplied missiles, rockets and unmanned aerial vehicles launched into their countries by Houthi forces in Yemen. Our Israeli allies have brought further evidence to the Security Council about Iran's continued launches of ballistic missiles that are inherently capable of carrying nuclear weapons. Israel has also given evidence to the Secretariat of Iran's transfer of weapons systems to its proxies all over the Middle East — in defiance of what we have insisted that they should do.

We must now ask ourselves which steps we must take to confront that malign Iranian activity. If Iran continues stocking up on ballistic missiles, the security of our people will be at risk. If we fail to restore deterrence, we will run the risk of conflict escalating in the region. If we do nothing, we will convey to all other malign actors that they, too, can defy the Security Council with impunity. As all members of the Council know well, the Charter of the United Nations bestows upon the Security Council the primary responsibility for the maintenance of international peace and security. We all take that responsibility seriously. The United States seeks to work with all other members of the Council to reimpose on Iran the ballistic missile restrictions outlined in resolution 1929 (2010).

Beyond addressing Iran's ballistic missile activities, the Council should not lift the arms embargo on Iran in 2020. That country is in non-compliance with multiple Security Council resolutions, including those related to Al-Qaida, Afghanistan, Lebanon, Yemen and Somalia. Even as we sit here today, Iran is harbouring Al-Qaida, supporting Taliban militants in Afghanistan, arming terrorists in Lebanon, facilitating illicit trade in Somali charcoal to benefit Al-Shabaab and training and equipping Shia militias in Iraq, even as we sit here today. It is also stoking conflict in Syria and Yemen. The Council must address those malign activities; it cannot reward Iran by lifting the arms embargo. We also call on the Council to establish inspection and interdiction measures in ports and on the high seas to thwart Iran's continuing efforts to circumvent the existing arms restrictions.

Some have questioned our decision to withdraw from the JCPOA. We reply that it is self-evident why we did so: they are based on the very conversation we are having here today. Prior to the deal, Western leaders made grand claims about how the JCPOA would usher in a new era of moderation from the Iranian regime. Indeed, America's own President said that

> "ideally we would see a situation in which Iran, seeing sanctions reduced, would start focusing on its economy, on training its people, on re-entering the world community, to lessening its provocative activities in the region."

But what we actually see is that, to date, the JCPOA has without a doubt shielded the Islamic Republic of Iran from being accountable for the risks it presents to the world. The Iranian regime is pursuing the same destructive, revolutionary goals that it has for the past 39 years, except now it has more money to achieve them thanks to the nuclear deal.

I am here today first and foremost in my capacity as the Secretary of State of the United States of America. Under President Trump, the security of our people and our allies comes first. But, in the finest traditions of American leadership, the United States will continue to unite sovereign nations in their responsibility to work for the peace and security of their own people and a stable international order. The United States is going to continue to be relentless in building a coalition of responsible nations that are serious about confronting the Iranian regime's reckless ballistic missile activity, as well as the way it treats its own people. That type of malign activity is something that the United States will continue to stand side by side with the people of Iran. They have been the worst victims of the regime for nearly 40 years, and they have the unwavering support of the United States.

Finally, in May the Trump Administration clearly defined the 12 areas on which we are demanding change from Iran. If Iran makes a fundamental strategic shift and honours those demands, we would be prepared to ease our pressure campaign and support the modernization and reintegration of the Iranian economy into the international economic system. But relief from our pressure will come about only when we see tangible, demonstrated and sustained shifts in Tehran's policies.

Mr. Delattre (France) (*spoke in French*): First of all, let me thank the Ivorian presidency of the Security

Council for convening today's meeting and welcome in particular the presence of Mr. Mike Pompeo, Secretary of State of the United States of America. I also thank Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs, and Mr. Serge Christiane, Chargé d'affaires ad interim of the Delegation of the European Union to the United Nations. I would like to warmly thank our Dutch colleague Ambassador Karel van Oosterom, Permanent Representative of the Netherlands, and his team for their work this year as Facilitator for the implementation of resolution 2231 (2015).

The past year has shown that our work is not finished with regard to the regime on the non-proliferation of weapons of mass destruction and their means of delivery. It has also shown how it is now more important than ever that we maintain our constant collective mobilization in strengthening it. Today's meeting on resolution 2231 (2015) is therefore very timely, since it concerns one of the most significant non-proliferation achievements of recent years. That resolution was supported by all the permanent members of the Security Council and unanimously adopted; it was brought to fruition both by the perseverance of the international community and by the leadership role of the Council. And it sealed the major agreement reached in Vienna after years of negotiations. In other words, it is a resolution that embodies the unity of the international community, the Security Council and all its members, especially its permanent members.

However, the paths of the States parties to the Joint Comprehensive Plan of Action (JCPOA) have diverged since 2015 and, as the Secretary-General does in his report (S/2018/1089), we have expressed our regret and concern about the implications of the United States withdrawal and the reimposition of American sanctions. Yet we all share the same objective — to prevent Iran from acquiring nuclear weapons and to ensure, through strict international monitoring, the peaceful ends of its programme. That is what made it possible put in place the JCPOA for 10 years, to which there is no credible alternative today. The collapse of that agreement would mark a serious step backwards, for which we would all pay the price.

While we have seen a serious crisis of confidence this year, the agreement remains in place and is working — Iran continues to comply with its nuclear obligations, as confirmed to us for the thirteenth consecutive time by the International Atomic Energy Agency. We welcome that fact. The situation must be strengthened through respect for all our commitments, which applies to all United Nations Members, not only the parties to the Plan. No external developments should affect the implementation of those commitments. In that regard, France will actively continue to support the agreement as long as Iran strictly and fully respects its nuclear obligations and makes efforts to preserve the economic benefits of the JCPOA.

France commends the rigorous work of the Secretariat through its balanced report, prepared in full compliance with its mandate. Our collective commitments do not stop at the JCPOA, and Iran must comply with all the provisions of resolution 2231 (2015). However, the report identifies several elements of Iranian actions that are not in conformity with those provisions, which gives us cause for concern. In conjunction with Germany and the United Kingdom, France has expressed its concern on several occasions concerning ballistic missiles. I would recall that the missiles in question are technically designed to be capable of carrying nuclear weapons, and it is that type of activity, which runs counter to resolution 2231 (2015), that we have collectively called on Iran not to carry out. The issue of ballistic transfers to State and non-State actors, in particular the Secretariat's conclusions on ballistic missiles fired by the Houthis, is also a great source of concern for France. Whether in Yemen or in the Syrian theatre, such actions violate resolution 1540 (2004), which is also an essential element of the international non-proliferation architecture.

Let us be clear: for the sake of regional stability and international security, Iran must immediately cease all destabilizing activities. We have already expressed our concern on that issue, including directly to the Iranian authorities. Each of us must clearly convey that message, and France, for its part, will continue its robust dialogue with Iran.

In conclusion, I would like to echo the Secretary-General's appeal to all States, whether or not they are parties to the Plan, to ensure the continuity of the JCPOA as a pillar of international and regional peace and security. Rest assured that France, which has worked tirelessly to make the agreement robust and endow it with rigorous verification mechanisms, remains fully committed to that goal. Only in that way can we together draw up a long-term strategy in the region, which cannot be reduced to a policy of pressure and sanctions. Such a strategy must also include a

firm and frank dialogue with the Iranians about our concerns. That is the only way that the international community can lay the foundation for a new agreement on a framework for Iranian nuclear power beyond 2025-2030, Iranian ballistic activity and regional stability. There is no other way to achieve lasting stability in the region and ensure that Iran never acquires nuclear weapons.

Ms. Pierce (United Kingdom): I thank you, Mr. President, for scheduling this debate. We are very grateful to United States Secretary of State Pompeo for taking the time to be here today. This debate comes at a very important moment. The world is an unpredictable place right now. The developments that we are going to discuss today risk making it more so. I would also like to join others in thanking the Under-Secretary-General and the Dutch representative and his team for all their work concerning resolution 2231 (2015).

Today's agenda is the implementation of that resolution, which was an endorsement of the Joint Comprehensive Plan of Action (JCPOA). Yet, throughout the negotiations and at the adoption of the resolution, we were clear that the Council was not only addressing nuclear issue, but continuing to impose binding restrictions to curb Iran's ballistic missile and proliferation activity because it threatens the region and beyond.

I want to stress that ballistic missile proliferation is not solely about nuclear missiles, although there is a link with nuclear capability. Any conventional payload would cause extensive harm to civilians and infrastructure, and Member States in the region will naturally be deeply concerned about confronting such a threat from Iran. It heightens instability in the region and increases the risk of miscalculation. As Secretary Pompeo said, the international community has been trying to curb that activity since at least 2006.

If I may, I would like to set out the policy of my Government towards Iran. We are motivated by three objectives — first, and most critical, to uphold the global non-proliferation regime and prevent Iran from achieving nuclear capabilities that would threaten the Middle East region and Europe beyond; secondly, to constrain Iran's destabilizing actions in the region; and, thirdly, to encourage Iran to normalize its economic and diplomatic relations with the region and the West and assume its rightful role as a responsible Power constructively engaged.

The United Kingdom participated in negotiations on a nuclear deal with Iran to secure the first of those objectives, and we believe the JCPOA has done so. It remains critical for our national security and, we believe, for the shared security of our partners and allies. I agree with what the French Ambassador said with regard to the way forward. We were also clear that the nuclear deal contained elements designed to encourage Iran on a path to normalcy in its trade and diplomatic relations with the outside world. The Secretary-General's report (S/2018/1089) records that Iran continues to comply with its nuclear-related obligations, as confirmed by the International Atomic Energy Agency in its 12 November report. We expect that commitment to continue, and we look to Iran to continue to fully abide by its obligations under the deal.

Because our first objective continues to be met, the United Kingdom — together with France and Germany — has been working to ensure that Iran continues to receive the economic benefits from sanctions relief agreed as part of the nuclear deal. To that end, in September we announced the creation of a European special purpose vehicle to help facilitate that. That work continues and we hope to announce further progress soon.

There remains, however, much work to do towards the second objective — the ending of Iran's destabilizing regional behaviour. No one should have any doubt about the strength of our concern and our commitment to tackling that issue. Compliance with the JCPOA, important as it is for all of the reasons that the French Ambassador set out, is not a license to engage in destabilizing behaviour elsewhere, whether or not that has a nuclear link.

Iran cannot expect to improve its relations with the rest of the world or ensure its economic prosperity and security while pursuing its current path. Businesses will not invest there, and public finances should be spent at home, not diverted to adventurism abroad. The Under-Secretary-General's briefing today was very clear, and the findings in the Secretary-General's report should continue to trouble the Council. As the report notes, the United Kingdom, along with its E3 partners France and Germany, raised concerns about the recent Iranian ballistic-missile launches into Syria in a letter to the President on 20 November (S/2018/1062). Since then, as the Security Council discussed on 4 December, Iran has tested a medium-range ballistic missile with a capability that falls under category I of the Missile Technology

Control Regime (MTCR). Like those referred to in our letter, that latest launch is inconsistent with resolution 2231 (2015).

We heard a number of arguments when we met to discuss this issue in consultations, and I am sure we will hear many of them again today, so I would like to address them briefly now. Some colleagues have made the point that the language in paragraph 7 of resolution 2231 (2015), and in paragraph 3 of the resolution's annex B, is not binding. The second part of that argument is that the Council should therefore not concern itself with Iran's behaviour because we argue that it is inconsistent with it.

We believe that this is both an extraordinary and a flawed argument for two reasons. Leaving aside the question of whether the language is legally binding or not, the Council has the power to make recommendations to Member States with a view of resolving any matter that threatens the maintenance of international peace and security. It is clear that those recommendations should be taken seriously by Member States rather than openly flouted. The call to Iran to comply with the request not to undertake any activity related to ballistic missiles capable of delivering nuclear weapons has a clear purpose, and that purpose is to reduce international and regional tension. In defying the Council's clearly expressed view, Iran is not contributing to the stability of the region, to say the least, but is rather ignoring the Council's express wishes. Tendentious arguments that seek to diminish the Council's voice in that regard serve only to undermine its prerogative and authority and encourage other States to disregard its resolutions. We should all be deeply concerned about such irresponsible behaviour.

Another fallacious argument that I am sure we will hear today is that the MTCR is irrelevant and is only an arms-export regime. The MTCR is itself an important part of international efforts against proliferation. Its category I describes a platform of first-generation nuclear weapons commonly defined as capable of delivering a payload of at least 500 kilogrammes to a range of at least 300 kilometres. So it matters that Iran test-fired a ballistic missile with a capability that falls under MTCR's category I. Those missiles are not harmless tools of self-defence. They are a source of concern and they are included in resolution 2231 (2015) because if Iran were to develop a nuclear weapon, those missiles would be its delivery vehicle. They therefore threaten not only the region but Europe, and potentially others beyond. Testing them is provocative and the Council should respond. We therefore demand that Iran cease the activity that defies resolution 2231 (2015) and that it and all Member States fully comply with the resolutions prohibiting the proliferation of missile technology to and from Iran — and by the way, there is no doubt that those are indeed legally binding.

On our second objective, we note with deep regret, and also concern, that Iran continues to play a negative role throughout the region in support of non-State actors that undermine the stability of its neighbours. In Syria, Iran has been the key supporter of Bashar Al-Assad's murderous seven-year campaign. Militias funded and controlled by Iran have been integral to Al-Assad's military campaign to retake opposition-held territory, committing gross abuses of human rights in the process. Iran has proactively shipped weapon systems into Syria, inflaming tensions with its neighbours as well as violating the provisions of resolution 2231 (2015). For example, in just the past week, Israel has had to take action to prevent Iranian-backed Hizbullah militants from tunnelling under its borders. Those Hizbullah activities are a clear violation of resolution 1701 (2006) and are further evidence of Iran's destabilizing activity. The United Kingdom condemns the existence of those tunnels, which threaten the security of Israel and Lebanon. The violation of Israeli sovereignty is deeply worrying, and moreover it literally takes Iran's destabilizing activity to new depths.

In Yemen, we are watching the ongoing talks in Stockholm carefully and we welcome the attendance of the Houthi delegation. I accept the fact that it is important to note that Iran has expressed its strong support for the talks in Sweden, but the situation in Yemen remains of serious concern and the Secretary-General's report today includes information about ballistic missiles fired at Saudi Arabia by the Houthis as well as anti-tank and surface-to-air missiles recovered in Yemen. Those weapons had characteristics and components consistent with those known to be manufactured in Iran.

In the course of my work I have recently been to Tehran to discuss many of those issues with the Iranian leadership. I have made it clear every time that Iran's habit of testing weapons that threaten its neighbours, and defying the Council by exporting weapons and militias around the regions, makes it very difficult to see how Iran can play a constructive role in its region and means that its complaints when the Council puts such behaviour on its agenda have no legitimacy.

I have long said that Iran has legitimate security interests in the region. We recognize that, but the way Iran goes about pursuing those interests is leading to increasing destabilization and is simply not legitimate in the modern world. Iran has a different approach available to it, one that concentrates on reintegration into the global economic community and into diplomatic engagement. We support Iran in its quest to benefit from economic development and we want it to fulfil its undoubted potential as a vibrant economy and an important Power. But those are not unconditional goals. Iran can never achieve them without a vital change in its approach to the issues that I have mentioned. It must take steps to address the Council's concerns seriously and recognize that its expeditionary and expansionist security doctrine will only provoke more challenge and lead to greater instability within the region. That is why, together with its European partners, the United Kingdom continues to participate in the JCPOA. We will continue to work with everyone to convince Iran to take a radically different approach to the region and help secure a more prosperous future for itself.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): I would like to thank Under-Secretary-General DiCarlo for her briefing on the latest report of the Secretary-General (S/2018/1089) on the implementation of Security Council resolution 2231 (2015), which endorsed the Joint Comprehensive Plan of Action (JCPOA), on Iran's nuclear programme. We also note the effective work carried out by Ambassador van Oosterom, the Permanent Representative of the Netherlands, in his capacity as Security Council Facilitator for the implementation of the resolution.

We fully share the Secretary-General's assessment in the report that the decision of the United States to withdraw from the JCPOA and reimpose unilateral sanctions on Iran constitutes a serious challenge that does not contribute to the goals outlined in the JCPOA and resolution 2231 (2015). We join the Secretary-General's general call to ensure the preservation of a unique agreement of fundamental importance to international and regional security. We agree with the report's conclusion that issues not included in the scope of the agreement should not serve as a reason for dismantling it.

The Russian Federation has repeatedly warned against attempts to torpedo the JCPOA and expressed the hope that reason will prevail nonetheless and that issues of global security and stability will no longer be held hostage to domestic political processes. Unfortunately, our calls have not been heard. We are now faced with a paradoxical situation in which a Council member is not only openly refusing to implement resolution 2231 (2015), which it had itself endorsed, it is also trying to punish every other Member State for implementing the decisions of the Council and the Joint Commission of the JCPOA. Right now, the only way to preserve the agreement is through the conscientious implementation of their voluntary commitments by all its participating States. In that context, we should point out that the Secretary General's report presents clear evidence of Iran's unconditional compliance with its JCPOA obligations, which has been consistently confirmed not only by the International Atomic Energy Agency but also by the Secretariat, which, as the document testifies, has no verified data to the contrary.

We are once again obliged to remind the Council of the inadmissibility of any so-called investigations by the Secretariat of possible violations of resolution 2231 (2015) without a clear mandate from the Security Council. Let us leave aside the level of technical expertise of the representatives of the Secretariat, who on a basis of components and debris find it easy to opine on the tactical and technical characteristics of various types of missiles and hint at their Iranian origin. Legitimate questions arise as to the mandate of those specialists, the status of their visits and their authority to draw far-reaching conclusions. The attempts to use the authority of the United Nations to reinforce various countries' unfounded accusations that Iran is in violation of resolution 2231 (2105) are baffling. And yet the Secretariat's representatives themselves admit in the report that they were working exclusively with information provided to them by third countries. Any inspections or monitoring activities by the Secretariat that have not been agreed to, whatever the reasons for them, must end once and for all.

We continue to insist that the report should not contain information from open sources or references to unverified or deliberately unverifiable information provided by individual countries, especially when it is not brought to Council members' attention. We want to once again draw the Secretariat's attention to the fact that paragraph 7 of the note by the President dated 16 January 2016 (S/2016/44) provides for the preparation of semi-annual reports on the implementation of the resolution 2231 (2015) in its entirety, not its individual parts.

Today we have heard a great deal about ballistic missiles. We would like to remind the Council that paragraph 3 of annex B of resolution 2231 (2015) only calls on Iran not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons. Rocket launchers generally are not prohibited, and there is no evidence supporting the possibility that they might have nuclear components.

The withdrawal of the United States from the JCPOA has seriously damaged both the nuclear-non-proliferation regime and security interests in the Middle East as a whole. It is time to abandon unilateral action. History shows that it is doomed to failure. And contrariwise, when States genuinely unite their efforts to counter regional challenges they can achieve long-lasting results in terms of resolving crises and stabilizing situations. We consider the JCPOA just such an achievement. It has become a keystone of our joint work in the region to create conditions conducive to strengthening an overall atmosphere of trust. It has given rise to hopes of progress towards the realization of an important goal, the creation of a zone in the Middle East free of weapons of mass destruction.

Russia supports the preservation of the JCPOA. We urge for a rejection of efforts to artificially create situations in which some Member States label the Governments of others as rogues. Not only does that not help to solve the region's many problems, it creates many new ones. It is clear that if we are to reduce the potential for crisis we must bring international and regional efforts together, including in the framework of effective, inclusive formats where the United Nations and its Security Council play a central role.

With enviable predictability, many of our Council colleagues are trying to use the format of today's meeting to discuss Iran's so-called regional behaviour, which is presented as being virtually the exclusive source of all the Middle East's troubles. However, and despite the fact that Iran is prepared for that dialogue, they have produced no substantive proposals of any kind in that regard. At times one gets the impression that their only goal is to further intensify anti-Iranian hysteria and Iran's demonization, which in fact serve merely to aggravate the already difficult situation in the Middle East.

The Russian Federation supports developing a positive and unifying agenda on the Middle East for the Security Council and the entire international community that takes into account the legitimate interests of all the States of the region, including Iran. The cornerstone of our shared efforts in the region should be the creation of conditions conducive to strengthening a general atmosphere of trust. That is extremely important to the relations between the Arab States, Israel and Iran. We would like to remind members that in its resolution 598 (1988), the Security Council instructed the Secretary-General to work with regional parties on measures for strengthening security and stability in the region. This is a difficult issue, but work on it must begin. And we are ready to provide every possible assistance through our contacts with our regional partners.

The ultimate goal should be the establishment of a regional security architecture that is truly inclusive and presupposes the involvement of every State in that part of the world. Our concept for strengthening security in the Persian Gulf under international guarantees remains relevant and could begin to be implemented through a conference with the participation of the States of the subregion. In the future, such a conference could be expanded to include other Middle Eastern countries. Russia is ready to work on all of these aspects and more, with interested partners, openly and impartially, and without threats or negative pressure.

In conclusion, I want to note once again that the Russian Federation remains committed to the unconditional and comprehensive implementation of the provisions of resolution 2231 (2015) and the JCPOA, which continues to be implemented by all its other participants despite the withdrawal of the United States.

Mr. Skoog (Sweden): I thank Secretary of State Pompeo for his presence here today and his engagement on the subject. I also want to thank Under-Secretary-General DiCarlo and Mr. Christiane for their briefings, and of course to express our great appreciation to our Dutch colleague and his team for their very diligent work in facilitating the implementation of resolution 2231 (2015).

This is the fifth briefing on the implementation of resolution 2231 (2015) during Sweden's tenure on the Council and probably the last, so I would like to reiterate our principled position on this agenda item. The Joint Comprehensive Plan of Action (JCPOA) is a prime example of finding successful multilateral solutions to collectively shared challenges. It has effectively ensured the exclusively peaceful nature of the Iranian nuclear programme and made our world a safer place

in that regard. It should also be seen in the broader non-proliferation context. The undermining of the Plan of Action risks undermining our efforts elsewhere.

Together with its European Union partners, Sweden continues to strongly support the full implementation of the agreement. We welcome Iran's continued engagement and implementation of its nuclear-related obligations under the Plan of Action, as reported by the International Atomic Energy Agency. I want to equally welcome Iran's participation in this meeting, since Iran is a party to the JCPOA and directly affected by resolution 2231 (2015). Iran's early ratification of the Additional Protocol would be a significant confidence-building measure. It is very important to respect both sides of the deal. The procurement channel must be kept functioning and the Joint Commission should continue to discuss any outstanding issues under the agreement. It is also important that the Iranian people continue to experience the economic benefits of the deal. The withdrawal of the United States and its reimposition of sanctions is therefore regrettable. We fully support the efforts within the European Union to protect and preserve the JCPOA in all its aspects.

Like many others, we continue to express our serious concerns about ballistic-missile activity that is inconsistent with annex B of resolution 2231 (2015), including the most recent test, on 1 December. That matter, however, should be addressed separately and not at the expense of the JCPOA. Iran must heed the Council's call and refrain from any actions that put its commitment to resolution 2231 (2015) in doubt. All parties must contribute to further de-escalation in the region. With respect to other alleged transfers and possible arms shipments, we thank the Secretariat for its thorough analysis and reporting so far in relation to the information at hand. We appreciate today's update by Under-Secretary-General DiCarlo and look forward to further analysis, as appropriate, in due course.

As our term on the Council comes to an end, we note that divisions in the region remain deep, to the detriment of international peace and security both in the region and beyond. We believe that the Council should intensify efforts to bridge those divides. All actors in the region must now come together to de-escalate tensions and make common efforts to achieve political solutions to the ongoing conflicts and crises in the region. It is also crucial to continue the important political dialogue with Iran on its role in the region, as well as on the human rights situation in the country. We will continue that dialogue through our established channels, including through the European Union.

In conclusion, at a time when multilateralism is often described as under pressure, the Joint Comprehensive Plan of Action remains a model for successful multilateral negotiations and reaffirms the principle of the peaceful settlement of disputes under the Charter of the United Nations for our common good as the norm. It is important to hold on to it.

Mr. Alotaibi (Kuwait) (*spoke in Arabic*): At the outset, I would like to join others in welcoming the participation of the United States Secretary of State, Mr. Mike Pompeo, in today's meeting. I also thank Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs, for her comprehensive briefing on the sixth report of the Secretary-General on the implementation of resolution 2231 (2015) (S/2018/1089), as well as the Facilitator for the implementation of resolution 2231 (2015), and the observer of the European Union on behalf of the Joint Commission, for their briefings to the Council.

Three years ago, Kuwait welcomed the Joint Comprehensive Plan of Action and the Security Council's subsequent adoption of resolution 2231 (2015). It is true that the agreement does not address all of the concerns of the countries of the region, such as deteriorating security conditions and interference in their domestic affairs. However, we welcomed the agreement because we fully support all United Nations resolutions, efforts and endeavours that seek to achieve security and stability in the Middle East. We maintain a principled and firm position on all non-proliferation issues in general, and on a Middle East free of weapons of mass destruction in particular.

We have taken note of the sixth report of the Secretary-General, drafted in accordance with annex B of resolution 2231 (2015), which provides an overview of the nuclear-related provisions and ballistic-missile and arms-related provisions geared to strengthening the resolution's implementation. In that regard, we welcome the contents of the report on Iran's implementation of its commitments related to its nuclear programme, as verified by the International Atomic Energy Agency (IAEA). We reiterate that Iran should stay on that positive course, in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the IAEA Comprehensive Safeguards Agreement. Iran's early ratification of the Additional Protocol would

guarantee that it is continuing to maintain its status as a non-nuclear-weapon State.

The provisions of resolution 2231 (2015) are not limited to nuclear issues alone. They extend to controlling activities related to ballistic-missile technologies and the transfer of traditional weapons. In that regard, we are concerned about the continued firing of ballistic missiles into the Kingdom of Saudi Arabia, as the report states. The report also mentions the transfer of weapons and military equipment to other countries in the region. The Secretariat could not verify the dates on which such transfers took place but is continuing to investigate the issue of ballistic missiles. We still consider the matter very serious and a possible threat to international peace and security.

Kuwait condemns the recurring firing of ballistic missiles into our sister Kingdom of Saudi Arabia, threatening its national security and jeopardizing civilians' lives. We stress our firm position in that regard, which calls for maintaining security and stability in the region and the safety of its peoples. It is also important to refrain from interfering in the domestic affairs of countries and to respect their sovereignty in accordance with the provisions of the Charter of the United Nations, international law and the principles of good-neighbourliness, as well as to work to settle disputes by peaceful means, refrain from the threat or use of force and reject sectarianism.

In conclusion, the State of Kuwait reiterates that the Security Council should continue to shoulder its responsibilities and follow up on the implementation of resolution 2231 (2015) in a comprehensive manner that guarantees compliance by Iran and other States with their commitments, not only in the area of nuclear non-proliferation but also with regard to other issues mentioned in the resolution. I would also like to take this opportunity to express our appreciation to Ambassador van Oosterom, in his capacity as Facilitator for the implementation of resolution 2231 (2015), and to the members of his delegation for their efforts in the past year. We wish them and their friendly country every success.

Mr. Ma Zhaoxu (China) (*spoke in Chinese*): I would first like to thank Under-Secretary-General DiCarlo and Ambassador van Oosterom for their briefings. I welcome Secretary of State Pompeo to the Security Council today.

The Joint Comprehensive Plan of Action (JCPOA), as a multilateral agreement endorsed by the Security Council, has the effect of international law, and as an important achievement of multilateralism is in the common interest of the international community. It has played a significant role in upholding the international nuclear-non-proliferation regime and maintaining peace and stability in the Middle East. It also serves as a model for addressing international and regional hotspot issues by political and diplomatic means. Despite the significant changes that have occurred in the international situation in the past six months, the current parties to the JCPOA, given their sense of responsibility, have continued to focus on implementing the agreement while maintaining normal economic and trade cooperation with Iran, and have received broad support from the international community. The International Atomic Energy Agency has confirmed Iran's compliance with its nuclear-related commitments under the JCPOA 13 consecutive times. The coordination between the Council and the procurement channel is functioning normally. Practice has shown that the JCPOA is an effective agreement and should be fully and effectively implemented.

The implementation of the JCPOA is now at a critical juncture. China appreciates Iran's efforts to implement resolution 2231 (2015) and the JCPOA. We hope that Iran can continue its implementation and that the other parties to the agreement will continue to honour their commitments as well. China deplores the fact that the United States has withdrawn from the JCPOA and made a decision to reimpose sanctions. It calls on all parties to work to find the right solution to the difficulties in maintaining normal economic and trade cooperation with Iran. We believe that all parties concerned must bear the overall long-term interests in mind, adhere to multilateralism, uphold multilateral agreements, fulfil their responsibilities and obligations and facilitate the implementation of resolution 2231 (2015) and the JCPOA.

The report of the Secretary-General (S/2018/1089) emphasizes the need for all parties to adhere to multilateralism, cooperate in responding to challenges and work together to preserve the JCPOA. It supports the initiatives of the parties to the JCPOA to protect the freedom to pursue legitimate business with Iran, in accordance with resolution 2231 (2015), and calls on all parties to support the procurement channel. China expresses its appreciation for those elements.

At the same time, China also believes that the report of the Secretary-General should be balanced and objective, comprehensively reflect the implementation of resolution 2231 (2015) and fully address Iran's legitimate concerns. The Secretariat needs to act strictly in accordance with its mandate and functions so as to avoid including unverified elements in the report.

In the current circumstances, the parties should exercise caution in dealing with Iran's missile launches and accurately interpret resolution 2231 (2015). On several occasions, Iran has stated that it is committed to fully complying with its obligations under the JCPOA, that it has no intention of developing nuclear weapons and that its missiles are not designed to be capable of delivering nuclear weapons. Such a stance deserves attention. China commends Ambassador Van Oosterom, in his role as Facilitator, and his team for their efforts in facilitating the 2231 format. China has taken note of the recent report of the Joint Commission to the Security Council on the status of the Procurement Working Group's decisions and on any implementation issues (see S/2018/1070) and will continue to participate in its work.

China has always advocated for a political and diplomatic solution to the Iranian nuclear issue and remains committed to consolidating the international nuclear non-proliferation regime and the maintenance of international and regional peace and stability. China will continue to uphold the principles of impartiality and objectivity with a firm sense of responsibility and work with the international community in its tireless efforts to uphold the JCPOA.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): At the outset, we welcome the presence of the Secretary of State of the United States of America, Mr. Mike Pompeo. We are grateful for the convening of this meeting and the important briefings by Under-Secretary-General Rosemary DiCarlo and Ambassador Karel van Oosterom, to whom we express our special thanks for his work this year as Facilitator on the implementation of resolution 2231 (2015). We are also grateful for the briefing by the observer of the European Union.

As a country committed to multilateralism, international law and the non-proliferation regimes for weapons of mass destruction, Peru gives high priority to compliance with and the implementation of resolution 2231 (2015), through which the Security Council endorsed the Joint Comprehensive Plan of Action (JCPOA), on the Iranian nuclear programme. We believe that that agreement and the subsequent follow-up and monitoring regime reflect the value of multilateralism and diplomacy in peacefully resolving international disputes and maintaining international peace and security, and that it must be preserved for that reason.

With regard to the sixth report (S/2018/1089) of the Secretary-General on the implementation of resolution 2231 (2015), we welcome the progress made in the implementation of the JCPOA and commend the monitoring activities carried out by the International Atomic Energy Agency. It has been verified once again that Iran is complying with all the provisions of the agreement, including the Additional Protocol to its Safeguards Agreement. We must nevertheless express our concern about allegations of an alleged violation of paragraph 2 of annex B of resolution 2231 (2015), which refers to activities involving the supply, sale, transfer or export of dual-use items, materials, equipment, goods and technology. We stress the need for strict compliance with all restrictive measures contained in annex B, which include transfers related to nuclear energy, ballistic missiles and weapons to or from Iran, as well as provisions on asset freezes and travel bans.

In relation to that and to the arms embargo imposed by the Council in connection with the conflict in Yemen, we must also express our concern about reports of the alleged transfer of Iranian-made ballistic missiles, their parts and related technology to the Houthi rebels in Yemen. We encourage the Iranian authorities to carefully consider and address those concerns with a view to fostering greater confidence in their readiness to comply with their international commitments and obligations, thereby generating new dynamics conducive to the promotion of sustainable peace in the Middle East.

In that regard, we share the Secretary-General's view of the need to address issues not directly related to the Joint Comprehensive Plan of Action, without prejudice to preserving the agreement and its accomplishments. Specifically, in accordance with paragraph 3 of annex B to resolution 2231 (2015), we urge the Iranian authorities not to engage in any activity related to ballistic missiles designed to be capable of launching nuclear weapons, including launches using such ballistic-missile technology. We believe that it is of the utmost importance that the Iranian authorities act prudently and with self-restraint, given that the

development of their ballistic missile programme is perceived as provocative and/or an armed escalation capable of increasing tensions in a particularly unstable region.

In conclusion, I underscore the importance of the Council remaining united in shouldering its responsibility to ensure the full enforcement and implementation of the JCPOA and resolution 2231 (2015) with a view to ensuring the validity of the non-proliferation regime and maintaining international peace and security.

Mr. Umarov (Kazakhstan): I thank Under-Secretary-General Rosemary DiCarlo; the Chargé d'affaires ad interim of the Delegation of the European Union to the United Nations, Serge Christiane; and Ambassador Karel van Oosterom for their informative briefings. I would also like to welcome the participation of Secretary of State Pompeo in our deliberations here. My delegation is pleased to note the following positive elements of the sixth report of the Secretary-General (S/2018/1089) on the implementation of resolution 2231 (2015).

First, the report very correctly and accurately notes the great importance and historical role of the Joint Comprehensive Plan of Action (JCPOA), as delineated in resolution 2231 (2015), which was adopted unanimously. My country is proud to have contributed to that historic negotiation process by organizing two rounds of constructive negotiations in Almaty in 2013.

Secondly, the report very clearly notes Iran's unwavering commitment to its nuclear obligations in the framework of the JCPOA, which has been confirmed 13 times by the relevant reports of the International Atomic Energy Agency. We welcome the Secretary-General's view and appeal to all parties, including the people of Iran, that everyone should benefit from this agreement. In that regard, we join in the welcome accorded to the aspirations of the parties to the agreement to ensure the freedom of their economic operators to cooperate with Iran, as stipulated in the JCPOA.

Thirdly, the report very appropriately notes the confident support of the majority of the international community for further preserving and implementing the JCPOA. That is a very clear signal that its success has justified the means, and current achievements should be consolidated and built upon. In that regard, we once again agree with the Secretary-General that issues not directly related to the Plan should be addressed without prejudice to and with a view to preserving the agreement and its accomplishments.

Let me point out other aspects that are of concern to us. First, we unfortunately continue to observe that the Secretary-General's report contains notifications and claims from Member States that do not allow us to reach the unconditional conclusion that Iran has violated the requirements of resolution 2231 (2015). In our opinion, such points only dilute the content of the report and weaken its validity. All paragraphs about such notifications conclude with the provision that the relevant claim requires further analysis and verification by the Secretariat. The mechanism of interaction of the Secretariat with the Security Council regarding the checking of such notifications from Member States, as well as special trips for examining physical evidence, remains unclear. As the Secretariat does not have a direct mandate to carry out such actions, we should seriously consider how to deal with responses to Member States' notifications of alleged violations of resolution 2231 (2015) in the future. Secondly, we would like to see in the report a full reflection of both annexes of resolution 2231 (2015). That issue has also been raised by Council members for several years.

Turning to notifications of alleged violations, we advocate that issues not involving clear restrictions or prohibitions under resolution 2231 (2105), including controversial issues related to Iran's ballistic-missile activities, should be discussed, in case of serious need, separately and without prejudice to prospects for the further implementation of the JCPOA and resolution 2231 (2015).

Kazakhstan reiterates its support for the JCPOA, as stipulated in President Nazarbayev's policy address, which we presented to the Security Council last year (see S/PV.7857). We believe that it plays a very vital role in ensuring primarily nuclear security in the region, and thereby opens up prospects for cooperation with Iran in many other areas. That is not in violation of the current restrictive measures of the Security Council, which are respected and strictly executed by Kazakhstan. We are interested in developing active cooperation with all countries of the region, owing to our geographical location and transit potential. Thanks to our multilateral agreements, we are observing a revival of trade and economic cooperation, leading to regional development.

To conclude, I would like to congratulate the Facilitator for the implementation of resolution 2231 (2015), Ambassador Karel van Oosterom of the Netherlands, on the completion of his duties, and commend his committed and tireless efforts to ensuring that resolution 2231 (2015) fulfils its objectives. As we come to the end of our term on the Council, we remain hopeful that the JCPOA and resolution 2231 (2015) will continue to make their contributions to strengthening the non-proliferation regime and ensuring stability and peace in the region.

Ms. Wronecka (Poland): I would like to thank today's briefers: the Under-Secretary-General for Political Affairs, Ms. Rosemary DiCarlo; Mr. Serge Christiane; and Ambassador Karel van Oosterom for their respective briefings. I welcome the presence among us today of the Secretary of State of the United States, Mr. Mike Pompeo.

Poland welcomes the sixth report of the Secretary-General (S/2018/1089) on the implementation of Security Council resolution 2231 (2015), which we find to be objective and balanced. The Joint Comprehensive Plan of Action (JCPOA) has been an important achievement of multilateral diplomacy, the objectives of which have been concurrent with our shared goal of strengthening nuclear non-proliferation.

We note that the International Atomic Energy Agency (IAEA) has reported that the Islamic Republic of Iran is implementing its nuclear-related commitments under the Plan and that the Agency itself continues to verify the non-diversion of declared nuclear material and the absence of undeclared nuclear material and activities in Iran. We welcome the efforts of the IAEA to strictly monitor and verify Iran's commitments in order the guarantee that the Iranian nuclear programme remains peaceful and that Iran fulfils all of its nuclear-related commitments under the JCPOA and the Treaty on the Non-Proliferation of Nuclear Weapons. We call on Iran to continue to apply the Additional Protocol to its Safeguards Agreement and to formally ratify that Protocol in the near future.

At the same time, the stabilization of the situation in the Middle East is crucial to global security. For that reason, we should strive not only to guarantee the peaceful nature of the Iranian nuclear programme, but also take steps to develop a comprehensive solution to the security problems in the region. It is necessary to take a broader perspective on the matter. Iran's activity cannot be seen only from the point of view of its compliance with the nuclear deal. That nuclear agreement does not deal with all of the contentious issues related to Iran's regional policy and its capacities related to delivery systems.

Taking into account the current tensions in the Middle East, Iran's policy — including the development of ballistic missiles — is causing justified concerns. Ballistic missile tests and some of Iran's activities in the region, including reported missile transfers to non-State actors in Lebanon, Yemen and Syria, may deepen mistrust and are inconsistent with the provisions of relevant Security Council resolutions, including resolutions 1540 (2004), 2216 (2015) and 2231 (2015). The launching of Zolfaghar short-range ballistic missiles and Qiam missiles against targets in the town of Hajin in Syria on 30 September and 1 October, as well as the testing of medium-range ballistic missiles conducted by Iran on 1 December and other testing of ballistic missiles, constitute unnecessary escalation.

Declarations by the Iranian authorities on the continuation of their missile testing in order to build up its defence capabilities may be perceived as provocative, threatening and contrary to the provisions of annex B of resolution 2231 (2015). Such actions are counterproductive to the stabilization of the situation in the Middle East, as well as efforts to prevent the further proliferation of nuclear weapons. We call on Iran to refrain from actions that could undermine the further implementation of both the JCPOA and resolution 2231 (2015).

Poland supports the procurement channel and the Procurement Working Group, as well as the coordinating role of the European Union within the format, as we believe that that transparency measure ensures the conformity of relevant transfers with resolution 2231 (2015) and contributes to supporting the non-proliferation regime.

Last but not least, I would like to thank Ambassador Karel van Oosterom of the Netherlands for his excellent work as Facilitator for the implementation of resolution 2231 (2015). Both the Ambassador and his team have shown the professionalism and necessary transparency in promoting the efficient work of this difficult format of the Council.

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): My delegation wishes to join other members of the Council in welcoming the United States

Secretary of State, Mr. Mike Pompeo, who is with us in the Chamber today. I also wish to express our gratitude for the briefings delivered by the Under-Secretary-General for Political Affairs, Ms. Rosemary DiCarlo; the Chargé d'affaires ad interim of the Delegation of the European Union to the United Nations, Mr. Serge Christiane; and, of course, the Facilitator for the implementation of resolution 2231 (2015), Ambassador Karel van Oosterom. We also welcome the presence among us today of the representatives of Germany and the Islamic Republic of Iran.

As this is likely to be the final time that my delegation will participate as a member of the Council in a meeting in this format on the topic of non-proliferation, I wish to reiterate that Bolivia is part of the world's first densely populated region to be completely free of nuclear weapons and, as provided for in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, of which Bolivia is a signatory, we have assumed the responsibility of contributing to putting an end to the arms race — especially the nuclear arms race — and to consolidating a peaceful world. In that regard, we reiterate our call for a world free of nuclear weapons, which is a view we have consistently promoted in our efforts on the Security Council to ensure that the Middle East joins the world's five nuclear-weapon-free zones.

Bolivia strongly reaffirms its commitment to the implementation of resolution 2231 (2015), given that it represents an unmistakable achievement of diplomacy and multilateralism and is an expression of the ability of States that respect international law to carry out research, produce and use nuclear energy for peaceful purposes without discrimination, in accordance with articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons. In that vein, I wish to emphasize a point raised in paragraph 2 of the Secretary-General's report (S/2018/1089), which has been introduced today and is the sixth report since the adoption of resolution 2231 (2015), to the effect that,

> "the Islamic Republic of Iran continues the implementation of its nuclear-related commitments, as verified by the International Atomic Energy Agency, in the face of considerable challenges brought about by the withdrawal of the United States of America from the Join Comprehensive Plan of Action and its subsequent decisions to reimpose all its national sanctions that had been lifted or waived pursuant to the Plan".

In that regard, we once again express our regret over the decision of the Government of the United States of America to withdraw from the Joint Comprehensive Plan of Action and its imposition of unilateral sanctions against the Islamic Republic of Iran. We believe that we should be able to generate an atmosphere of mutual trust among States so that aspirations to a total and verifiable denuclearization of the Middle East can be made a reality as early as possible. The clearest symbol of victory for multilateralism and political dialogue is indeed the Joint Comprehensive Plan of Action, and full compliance with it should serve as a guarantee for the strengthening of other denuclearization plans, such as that of the Korean peninsula.

For my delegation, the 12 years of intense diplomatic activity that achieved an overall, long-term and appropriate solution to the Iranian nuclear issue through the Joint Comprehensive Plan of Action, which the Security Council endorsed unanimously in resolution 2231 (2015), cannot be postponed by the unilateral decision of a Member State or a group of States of a region that jeopardizes the very implementation of the Plan.

In light of this, Bolivia welcomes the resolve of the Plan participants that have renewed their commitment to its fully and effectively implementation. At the meeting of the Joint Commission, held in Vienna on 6 July, and at the ministerial meeting of the E3/EU+2 and the Islamic Republic of Iran, held in New York on 24 September, they outlined initiatives aimed at protecting the freedom of economic agents wishing to maintain legitimate trade relations with the Islamic Republic of Iran, in accordance with resolution 2231 (2015).

In that understanding, it is the responsibility of the Security Council to preserve the Plan of Action as it was conceived, guaranteeing reciprocal commitments to its full implementation, in good faith and in a constructive atmosphere based on mutual respect. In this context, the Council membership is the main guarantor in terms of avoiding any action that threatens to undermine the Plan. We therefore express our full support and welcome for any future initiative of the Secretary-General to ensure the validity of the Plan.

Bolivia once again expresses its interest in seeing future reports providing more in-depth information regarding annex A, since both annexes — A and B — are

comprehensive and complementary for the effective implementation of resolution 2231 (2015).

Finally, as a pacifist country, the Plurinational State of Bolivia, reaffirms its commitment to preventive diplomacy, multilateralism, non-interference and respect for the sovereignty, independence and territorial integrity of States, in the understanding that these are universal principles recognized by the international community.

Mr. Ndong Mba (Equatorial Guinea) (*spoke in Spanish*): At the outset, my delegation would like to express its gratitude and satisfaction to Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs; Ambassador Karel van Oosterom, Permanent Representative of the Netherlands, in his capacity as Facilitator for the implementation of resolution 2231 (2015), for his excellent work; and Mr. Serge Christiane, Chargé d'affaires ad interim of the Delegation of the European Union to the United Nations, in his capacity as Coordinator of the Joint Commission of the Joint Comprehensive Plan of Action. We thank them all for the comprehensive and detailed briefings they have just presented.

Furthermore, we welcome His Excellency Mr. Mike Pompeo, Secretary of State of the United States, and wish him a wonderful stay in New York. His presence among us this morning reflects the great importance of the topic we are discussing. I therefore congratulate Côte d'Ivoire for having foreseen it in its programme of work.

The Republic of Equatorial Guinea would like to thank the Secretary-General for his balanced and comprehensive sixth report (S/2018/1089) on the implementation of resolution 2231 (2015). The resolution, which was adopted unanimously by the Security Council, is the faithful result of the international community's commitment to providing a collective response to the non-proliferation regime, and remains a key element of the global architecture of multilateral diplomacy.

Our delegation joins others in commending the work of the International Atomic Energy Agency, under the Joint Comprehensive Plan of Action, to ensure that the Iranian nuclear programme continues in accordance with the measures imposed by the Plan itself. The International Atomic Energy Agency has confirmed in more than a dozen consecutive reports that Iran is fulfilling its commitments under the agreement. We welcome that confirmation, despite the considerable challenges that led to the withdrawal of the United States from the Plan and its subsequent decision to reimpose all unilateral sanctions that had been lifted or waived in accordance with the Plan. However, we expect Iran to continue to implement all of its nuclear commitments in full, as provided for by the Joint Comprehensive Plan of Action.

Concerns persist about the full implementation of the provisions related to ballistic missiles and transfers of weapons to and from the Islamic Republic of Iran involving territories of the region, taking into account that some reports on this matter have not yet been duly verified. In this regard, we invite competent, duly mandated institutions to conduct a thorough, effective, independent and impartial investigation into these reports and to subsequently inform the Security Council.

At the same time, the recent alleged launch by the Iranian Government of medium-range ballistic missiles — if verified and confirmed — would undermine all advances that have been registered to date and weaken an agreement that has contributed to regional and international peace and security. However, diverging opinions among certain States with greater research capacity call into question the certainty of others regarding the verification of such events, as well as creating further tension in the region. In this connection, we appeal to the Government of the Islamic Republic of Iran to continue to respect and strictly abide by the provisions of resolution 2231 (2015), which forbid it, inter alia, from carrying out activities relating to ballistic missiles capable of delivering nuclear weapons.

As a State party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Republic of Equatorial Guinea strongly condemns the proliferation and use of weapons of war in the Middle East, as well as the use of force in international relations. We accept the use of force only when it is in accordance with the principles of international law and the provisions of the Charter of the United Nations.

Finally, and in line with our foreign policy objectives and the ideals of peace and stability promoted and defended by our Government and its President, His Excellency Mr. Teodoro Obiang Nguema Mbasogo, the Republic of Equatorial Guinea reaffirms its commitment to preventive diplomacy, non-interference

and respect for the sovereignty, independence and territorial integrity of States. We therefore encourage all parties involved to preserve the Joint Comprehensive Plan of Action, strictly adhering to the responsibilities and obligations they have undertaken and with the same shared vision for the future.

Let us bear in mind that progress is rooted not in the creation of differences, but in advancing together towards a better future that benefits all States. In that context, we once again reiterate the official position of the Republic of Equatorial Guinea in favour of the total eradication of weapons of mass destruction, including nuclear weapons, from the face of the Earth. That must be our aim if we want humankind to be free from this persistent threat once and for all.

Mr. Amde (Ethiopia): I would like to thank Under-Secretary-General Rosemary DiCarlo, Ambassador Karel van Oosterom and Mr. Serge Christiane for their briefings on the implementation of resolution 2231 (2015). Let me also join other Council members in welcoming and thanking Secretary of State Pompeo for taking the time to be here with us today.

We have noted from the report of the Secretary-General (S/2018/1089) that the Islamic Republic of Iran continues to adhere to its nuclear-related commitments. We have also noted from the report that the International Atomic Energy Agency (IAEA) has continued the verification and monitoring of the implementation of nuclear-related commitments, the non-diversion of nuclear materials and the absence of undeclared nuclear materials and activities by the Islamic Republic of Iran. The fact that the Secretary-General has not received any report on the supply, transfer or export to Iran of nuclear and dual-use items, materials, equipment, goods and technology is indeed encouraging.

We share the view of the Secretary-General that the Joint Comprehensive Plan of Action (JCPOA) stands out as a demonstration of successful multilateralism. It is indeed a symbol or, if we may, an embodiment of functioning multilateralism, with good results. However, we recognize the challenges and difficulties in the broader implementation of resolution 2231 (2015), particularly in relation to the reported activities allegedly undertaken by Iran contrary to the restrictive measures contained in annex B to the resolution and the key findings included in the report of the Secretary-General.

We have noted the communications regarding the ballistic-missile test by the Islamic Republic of Iran as reflected in the reports of the Secretary-General and of the Facilitator (S/2018/1106). We have also noted from the report of the Secretary-General that the Secretariat has continued its analysis regarding ballistic-missile-related transfers or activities on the part of the Islamic Republic of Iran, as well as arms-related transfers. In our view, such activities, together with the ballistic missile launched by Iran, will affect the broader implementation of the JCPOA and resolution 2231 (2015). It will also increase tensions and have serious regional consequences.

We concur with the Secretary-General's statement in his report that "[i]t is essential that the Plan continue to work for all its participants, including by delivering tangible economic benefits to the Iranian people" (*S/2018/1089, para. 3*). For the JCPOA to continue to work for all participants and for it to achieve its broader objective — to ensure the non-proliferation of nuclear weapons and continued dialogue and collaboration among the remaining participants — is of utmost importance. In our view, this will enable the remaining participants to address the challenges encountered in the implementation of the JCPOA, particularly with respect to arms- and ballistic-missile-related transfers as well as ballistic-missile tests. It will also certainly contribute to the preservation of the Plan, which the Secretary-General called for in his report.

Mr. Van Oosterom (Netherlands): I will now speak in my national capacity.

At the outset, I would like to thank Under-Secretary-General DiCarlo and the Chargé d'affaires ad interim of the Delegation of the European Union, Mr. Christiane, for their briefings. We also welcome the reports of the Secretary-General (S/2018/1089) and of the Joint Commission (see S/2018/1070).

I will focus on three points: first, the Joint Comprehensive Plan of Action (JCPOA); secondly, our concerns about Iran's ballistic-missile programme and its role in the region; and, thirdly, the implementation of resolution 2231 (2015).

First, with respect to the JCPOA, in our view, the Plan is a product of years of negotiation, a major diplomatic accomplishment and a key non-proliferation achievement. It was unanimously endorsed by the Security Council in resolution 2231 (2015). Preserving the agreement is a clear priority for the Kingdom of the

Netherlands. The agreement is crucial for the security of the region, of Europe and of the entire world.

The JCPOA has been delivering on its objective, which is to prevent Iran from developing nuclear weapons, an obligation it also has under the Treaty on the Non-Proliferation of Nuclear Weapons. Further, the JCPOA is based on solid verification. Inspectors from the International Atomic Energy Agency (IAEA) spend more than 3,000 calendar days per year on the ground in Iran and monitor more than 25 locations in the country on a 24/7 basis, which is an important endeavour for my country and one to which we have contributed more than €1.5 million.

The inspections have led to already 13 consecutive IAEA reports confirming that Iran is living up to its commitments under the JCPOA. It is in that light that we reiterate our deep regret at the decision of the United States to withdraw from the agreement. We believe that the JCPOA effectively blocks the route to an Iranian nuclear weapon. It is better than any alternative, which is why we call on the JCPOA participants to remain committed to the agreement.

This brings me to my second point: our concerns about Iran's ballistic-missile programme and its role in the region. The Kingdom of the Netherlands shares the serious concerns expressed by many today about Iran's ballistic-missile programme, the recent ballistic-missile tests and Iran's destabilizing role in the region. We are concerned about Iran's meddling in the internal affairs of such countries as Syria, Lebanon and Yemen, and about its support for such armed groups as Hizbullah and the Houthi. We condemn any Iranian involvement in the transfer of missiles and arms to actors in the region, including missiles to the Houthi in Yemen. We call on Iran to refrain from any such activities, to fully implement resolution 2231 (2015), and to engage in serious dialogue on these concerns.

With respect to my third point, the implementation of resolution 2231 (2015), as long as Iran continues to remain committed to the JCPOA, the international community should do so as well. We therefore call on the entire international community to continue to support and implement resolution 2231 (2015), including the JCPOA. The international community should ensure that Iran continues to benefit from the agreement, as foreseen, including trade through the procurement channel, as needed. The Kingdom of the Netherlands will continue to play its part in ensuring the full implementation of resolution 2231 (2015) — nationally, as a member of the European Union, and, this year, as Facilitator for the resolution in the Security Council.

In conclusion, the Kingdom of the Netherlands sees it as a clear priority that the JCPOA participants, including Iran, and the international community remain committed to resolution 2231 (2015), including the JCPOA, especially now that the agreement seems to be at a crossroads. At the same time, Iran should address the international concerns about its ballistic-missile programme and its destabilizing role in the region. The JCPOA showed that the international community could come together and resolve even the most complex of issues. It showed that it is possible to overcome differences through dialogue and diplomacy. It is a clear example of effective multilateralism, and ensuring the continued implementation of resolution 2231 (2015) is in the interests of the Iranian people, of the region and of us all.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of Côte d'Ivoire.

I would like to thank Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs, for her briefing on the sixth report of the Secretary-General on the implementation of Security Council resolution 2231 (2015) (S/2018/1089). I would also like to thank Ambassador Karel van Oosterom, Permanent Representative of the Netherlands and Facilitator for the implementation of resolution 2231 (2015), for introducing his latest six-month report (see S/2018/1106). I also thank Mr. Serge Christiane, Chargé d'affaires ad interim of the Delegation of the European Union, for his excellent briefing on the activities of the Procurement Working Group. Finally, I would like to welcome the presence among us of the United States Secretary of State, Mr. Michael Pompeo, and Ms. Maria Luiza Ribeiro Viotti, Chef de Cabinet of the Secretary-General, who is not often with us, but whom I personally would like to see more often at our meetings.

More than three years after its adoption, the Joint Comprehensive Plan of Action (JCPOA) is today at a crossroads. The unity of the Council, which made possible the adoption of resolution 2231 (2015) endorsing the JCPOA, is now being undermined, to the point of impacting the interpretation of the provisions of the Plan, which had been welcomed by the international community.

With regard to the Iranian nuclear issue, my delegation would like to express its appreciation for the cooperation between the Iranian Government and the International Atomic Energy Agency (IAEA). Indeed, as highlighted in the Secretary-General's report (S/2018/1089), the IAEA continues to perform its role, without hindrance, in the verification of Iranian nuclear facilities.

In the Agency's latest report, dated 12 November, it notes that Iran is in compliance with its commitments under the Joint Comprehensive Plan of Action, has not enriched uranium to prohibited levels or created illegal stockpiles and continues to apply, on a provisional basis, the Additional Protocol to its Safeguards Agreement, pending its entry into force. Based on that observation, my delegation believes that the implementation of the Iranian nuclear agreement should continue since it meets the requirements of the Treaty on the Non-Proliferation of Nuclear Weapons.

With regard to the issue of ballistic missiles, my country remains concerned about reports that Iran tested medium-range ballistic missiles, which could be nuclear-weapon delivery systems, on 1 December.

Côte d'Ivoire would like to take this opportunity to urge the Iranian authorities to strictly uphold their obligations, which would undoubtedly contribute to facilitating discussions on the implementation of the JCPOA and strengthening confidence and cooperation among the signatory parties. It also invites them to dispel all doubts with regard to alleged ballistic-missile transfers. In that regard, my country supports the establishment of consensual investigation mechanisms to establish the truth on that issue.

With regard to information on the illicit transfer of and discovery in the region of debris from other types of weapons allegedly manufactured in Iran, my delegation urges the United Nations to expeditiously conclude investigations into their origins and the timing of their transfer. Côte d'Ivoire would like to encourage the Iranian authorities to reassure the international community by scrupulously applying the provisions of the Security Council resolutions relating to, inter alia, the travel ban and measures to freeze assets.

Given that Côte d'Ivoire is strongly committed to multilateralism and the promotion of multilateral frameworks, where consensus is built to address current threats to international peace and security, I would like to reiterate our support for the JCPOA, which remains a strong guarantee of the implementation of the Non-Proliferation Treaty.

Côte d'Ivoire therefore urges the parties to the Plan of Action to agree on the interpretation of its provisions and resolve any misunderstandings through the mechanisms provided for that purpose, in particular the Joint Commission established in its annex IV. My country also encourages them to maintain their level of commitment and work together towards the full implementation of the Plan, which, like any human undertaking, remains open to improvement.

My delegation urges all States parties, without exception, to return to the negotiating table and calls on them to fully uphold their respective commitments, while bearing in mind the need to strengthen international security by fully implementing the agreement, which has already led to significant progress. Côte d'Ivoire also invites the Islamic Republic of Iran to pay particular attention to the concerns raised by the members of the Council and maintain its cooperation with the International Atomic Energy Agency. It also calls on Iran to scrupulously respect the provisions of resolution 2231 (2015).

I now resume my functions as President of the Security Council.

I give the floor to the representative of the Islamic Republic of Iran.

Mr. Al Habib (Islamic Republic of Iran): I would like to begin by sincerely thanking those Council members who have reaffirmed their commitment to continue supporting the Joint Comprehensive Plan of Action (JCPOA). At a time when multilateralism is under threat, preserving the JCPOA, which, according to the Secretary-General, is a demonstration of successful multilateralism and a major achievement in dialogue and diplomacy, is of utmost importance.

From that perspective, we laud the call made by the Secretary-General in his report (S/2018/1089) on the JCPOA participants, the Council, all Member States and regional and other international actors to ensure the continuity of that agreement, which is fundamental to regional and international peace and security.

At this meeting, which is being held to consider the implementation of resolution 2231 (2015), the Council should consider and address all obstacles created to its implementation, focusing in particular on its provisions on promoting and facilitating the development of

normal economic and trade contacts and cooperation with Iran.

As is well known, the sustainability of the JCPOA has been seriously challenged by the unilateral and unlawful conduct of the United States in withdrawing from the JCPOA and reimposing illegal sanctions against Iran. It is a clear violation of the resolution, which calls upon all States, without exception — all States, without exception — which includes the United States, not only to take actions as may be appropriate to support the implementation of the JCPOA, but also to refrain from actions that undermine the implementation of commitments under the JCPOA. Therefore, the Council should consider the United States' illegal acts as a flagrant violation of the resolution and hold it accountable for such violation.

It is evident that any inaction or leniency in taking appropriate action to prevent any violation of the resolution will only embolden the United States to continue its unlawful practices and irresponsible policies. The irony is that the United States, which itself is in absolute violation of resolution 2231 (2015), today accused Iran of violating that resolution. What we heard today was another series of lies, fabrications, disinformation and deceptive statements by the United States. This is not unprecedented. Suffice it to recall the infamous speeches made in the past in this very Chamber by United States officials.

This is not surprising. Deception is an inseparable part of the United States' foreign policy, as is bullying and its addiction to sanctions and warmongering. A clear example of such policies is the American approach to Iran's peaceful nuclear programme, about which it manufactured an unnecessary crisis and was successful in abusing the Council to impose illegal sanctions.

Nevertheless, as soon as the sanctions came to an end with the conclusion of the JCPOA, and the IAEA repeatedly confirmed Iran's full compliance with its commitments, the United States withdrew from the JCPOA, violated resolution 2231 (2015), reimposed its illegal sanctions and started punishing States that abide by the resolution. Such policies and practices clearly indicate that even in the past, they did not have any genuine concern about Iran's nuclear programme.

Now, for the first time in United Nations history, a permanent member of the Security Council is blatantly punishing United Nations Members not for violating, but rather for complying with a Security Council resolution. That is the first time in the history of the Security Council. And yet, the United States finds the audacity to hijack the Council in order to intensify its hostilities against Iran. We have not forgotten the days when the United States rendered the Council ineffective in preventing Saddam's aggression, stopping the use of chemical weapons against Iranians, and addressing the attack on an Iranian civil aircraft over the Persian Gulf by American forces, killing all 290 people on board, including 66 children.

Rather than allowing the United States to repeat such abusive patterns, the Council should strongly condemn the United States for reimposing its illegal sanctions against Iranians in violation of the Charter of the United Nations and international law. These sanctions only harm the ordinary and, more importantly, vulnerable people of Iran, such as women, children, the elderly and patients. They prevent even the import of basic foodstuffs, medicine and medical devices to Iran. Unlike the United States declaration, in practice there are no exceptions or exemptions for importing such needs. Now they argue that banks do not have confidence in Iran's banking system to facilitate those transactions. "That is Iran's problem," they say. "It is not our problem." Is this not ironic and disgraceful? How come they had confidence to Iran's banking system until weeks ago, and suddenly and for no reason lost their confidence? In fact, they avoid such transactions because they are intimidated and threatened by a bullying and irresponsible State.

On 7 November, the United States Secretary of State threatened all Iranians with mass starvation. He said that the Iranian "leadership has to make a decision that they want their people to eat". Does the weaponizing of food and medicine against civilians have any other designation than as a crime against humanity? Is the disruption of free trade and the application of United States national laws to other nations, thereby disrespecting their sovereignty, not a clear manifestation of economic terrorism? The international community should stand against American bullying policies and the United States authorities should be held to account for ordering, committing and enforcing such horrible crimes.

Through fabrication, disinformation and invoking irrelevant criteria, the United States tries to create ambiguity and confusion in order to misinterpret the resolution with regard to Iran's missile launches. Here, I draw the Council's attention to the interpretation of

relevant paragraphs of the resolution by the United States Special Envoy for Iran, who says that the resolution "simply" and "kindly" calls upon Iran not to undertake certain activity. He then concludes that the resolution's language is "hardly a clear and enforceable prohibition".

Iran's ballistic missile programme is designed to be exclusively capable of delivering conventional warheads required to deter foreign threats. While the Americans argue that Iran's security concerns are entirely self-generated, and also hypocritically state that Iran faces no natural threat from Israel, as recently as three months ago Israel's Prime Minister threatened Iran even with nuclear annihilation. That was definitely a wishful dream. Moreover, no one can ignore the consistent tremendous threats Iran continues to face from the United States itself, in particular through its outdated mantra of "all options are on the table" — which amounts to a military threat.

They are dreaming wishfully to bring us back to those days when Saddam's planes bombed an Iranian city for 105 minutes — the longest aerial assault since the Second World War — killing and injuring over 1,000 civilians. They also wish to bring us back to those days when Saddam rained missiles on our cities — some of them carrying chemical components provided by the United States — and Iran was actively prevented from purchasing even the most rudimentary means of self-defence to at least deter the aggressor. No one should be surprised that they even prevented the export of barbed wire to Iran. Most such restrictions continue.

We have paid a very high price to save our territory from the aggressors and to ensure the security of our borders and citizens. Those days have long passed. Living in such a volatile region as the Middle East, our Government will not and cannot compromise on its security and its conventional defensive capability, as no other country does.

Describing Iran as a source of regional threat is nothing but a shifting of blame in order to sell more American "beautiful weapons" — as the United States President calls them. Conflicts, insecurity and instability in our region have two main sources: the occupation of Palestine by Israel and America's interventions and massive military build-up in the region. Who can also forget the United States role — as openly confessed by its President during his campaign — in creating the ugliest face of terrorism, the monstrous Islamic State in Iraq and the Sham (ISIS)? If not for Iran's support and help, the black flag of ISIS would still be flying around the Middle East. Our neighbours have repeatedly acknowledged Iran's role in fighting and defeating Da'esh in their countries. In reaction to Iran's prominent role in fighting terrorist groups in Syria and Iraq, such groups have conducted a few terrorist attacks in Iran in 2017 and 2018, including in our Parliament.

Today, in addition to transferring ISIS elements to Afghanistan and Central Asian countries, the United States has extended its sponsorship of terrorism to a vicious terrorist cult, the Mujahideen-e-Khalq, that has murdered more than 17,000 Iranians — including children, women, girls, officials and other ordinary people — and many Iraqis, and whose leaders currently cosy up to the highest political figures in Washington, D.C., to destabilize Iran through terrorist activities.

Here, I would like to stress that according to the Charter of the United Nations, the Council represents all Member States and that its decisions should therefore also echo their views. Almost all Members of the Organization have strongly supported the JCPOA and loudly voiced their rejection of the illegal unilateral sanctions that is a clear violation of resolution 2231 (2015). Consequently, the Council should hold the United States accountable for reimposing such sanctions and demand that it end their application. That would also would be in line with the obligation imposed on the United States by the International Court of Justice order issued unanimously on 3 October, which is a clear testament to the illegality of the United States sanctions.

I would also like to clarify that our legal and technical observations on the report of the Secretary-General are contained in a letter that I sent to you yesterday, Mr. President, which also covers our views on issues that I did not address in my remarks today.

Last but not least, the United States representative made baseless allegations against Iran, most of which are either not relevant to the agenda of this meeting or do not even fall within the Council's purview. I have therefore confined my statement to this meeting's agenda, as I did not want to defy it as that representative did. At the same time, my country has responded to those allegations either through our Foreign Ministry or our representatives in the relevant international forums in Geneva, Vienna, The Hague or here in New York.

The President (*spoke in French*): I now give the floor to the representative of Germany.

Mr. Heusgen (Germany): I thank you very much, Mr. President, for including Germany in today's meeting. I appreciate that all colleagues have stayed until the end of the debate. I also thank the Secretary of State of the United States for having stayed for more than two hours. In return, I promise to be brief. Indeed, I can be brief because I basically align myself with what was said earlier by my colleagues from the European Union — the representatives of France, the United Kingdom, Sweden, Poland and the Netherlands.

I would like to start by thanking Under-Secretary-General Rosemary DiCarlo for presenting the report of the Secretary-General (S/2018/1089). We believe that it is a very good report — thorough, well-evidenced and balanced. We believe also that its current scope and methodology, with a focus on annex B, is appropriate. I would like to take this occasion to reject the criticisms of the report that have been voiced. I believe that, having been tasked with reporting on the implementation of resolution 2231 (2015), the Secretary-General must do so robustly and use the sources at his disposal.

I would also like to thank Ambassador Van Oosterom for his work as Facilitator. I must also say that I am very happy that my Belgian colleague Marc Pecsteen de Buytswerve was selected to follow him in carrying out the Facilitator's difficult task.

With regard to the Joint Comprehensive Plan of Action (JCPOA), let me repeat what my Dutch colleague said about the JCPOA being a major diplomatic accomplishment and what my Swedish colleague said about it being a successful multilateral agreement. I totally share those views. I also commend Federica Mogherini and the Secretary General of the European External Action Service, Helga Schmidt, for doing a fantastic job in stitching together the agreement and trying everything to keep it alive, which we consider essential.

Resolution 2231 (2015) endorsed the JCPOA, which strengthens the Treaty on the Non-Proliferation of Nuclear Weapons. We believe that the JCPOA is a very important contribution to the global non-proliferation architecture. It is an important asset for the security of the region and for the security of Europe, which is our key interest. Preserving the JCPOA is therefore very important to us. Our position remains unchanged. Along with our European partners, Germany will remain committed to the JCPOA as long as Iran is in full compliance with it. So long as it is, along with our partners France and Britain and the remaining JCPOA partners, we will commit to taking the necessary steps to ensure that Iran continues to receive economic benefits from sanctions relief.

The full and effective implementation of annex B in all its aspects is equally important for regional and international stability. We heard the Secretary of State eloquently underline the breaches of annex B regarding arms transfers and ballistic-missile activity. Therefore, the findings of the Secretary-General give rise to serious concern. Iran's programme to develop ballistic missiles continues to be inconsistent with paragraph 3 of annex B to resolution 2231 (2015). I would like to give a couple of examples: the Iranian testing of a medium-range ballistic missile in December and the Iranian missile strikes on targets in Syria on 1 October. Furthermore, we strongly condemn the messages written on the missiles fired on 1 October, as reported in the Iranian and international media, which threatened the United States, Israel and Saudi Arabia severely. Such aggressive rhetoric is unacceptable, and Germany condemns Iran's continued questioning of Israel's right of existence. We call on Iran not to conduct any further ballistic-missile launches and to refrain from such unacceptable rhetoric and any transfers to the Houthis, or anybody else, of ballistic missiles, components or technologies, as well transfers of any other weapons or related material from Iran, and to fully respect resolution 2231 (2015).

Lastly, let me come to the most important issue. Germany agrees with the Secretary-General that the issues not directly related to the nuclear deal should be addressed without prejudice to preserving the agreement. We believe that the American position is akin to throwing out the baby with the bathwater. Secretary Pompeo quoted President Obama, who said that, ideally, Iran would behave in the region when it comes to missile technology. As Germans, we know all about idealism, which comes from German philosophy and Immanuel Kant's categorical imperative. If that were observed by everybody, we would not need the Security Council. Nonetheless, we have to live with a non-ideal situation, which calls for the JCPOA to continue to be observed because it is in our security interests.

The meeting rose at 12.40 p.m.

United Nations S/PV.8419

Security Council

Seventy-third year

Provisional

8419th meeting

Wednesday, 12 December 2018, 3 p.m.

New York

President:	Mr. Adom	(Côte d'Ivoire)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Wu Haitao
	Equatorial Guinea	Mr. Ndong Mangue
	Ethiopia	Ms. Guadey
	France	Mrs. Gueguen
	Kazakhstan	Mr. Temenov
	Kuwait	Mr. Albanai
	Netherlands	Mrs. Gregoire Van Haaren
	Peru	Mr. Meza-Cuadra
	Poland	Mr. Radomski
	Russian Federation	Mr. Polyanskiy
	Sweden	Mr. Orrenius Skau
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Mr. Cohen

Agenda

The situation concerning Haiti

Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti (S/2018/1059)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The question concerning Haiti

Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti (S/2018/1059)

The President (*spoke in French*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Helen Meagher La Lime, Special Representative of the Secretary-General and Head of the United Nations Mission for Justice Support in Haiti, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Serge Christiane, Chargé d'affaires ad interim of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2018/1059, which contains the report of the Secretary-General on the United Nations Mission for Justice Support in Haiti.

I now give the floor to Ms. La Lime.

Ms. La Lime (*spoke in French*): I thank you, Mr. President, for this opportunity to brief the Security Council on the situation in Haiti for the first time since I took office as Special Representative of the Secretary-General.

The most recent report of the Secretary-General (S/2018/1059), which was transmitted to the members of the Security Council on 28 November, provides an update and analysis of developments pertaining to the political situation, the operating environment in Haiti and the efforts of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) to implement its mandate. My briefing will focus on the most important points covered by the report and some of the major events that have occurred since its publication.

(*spoke in English*)

The political crisis triggered by the violent demonstrations in July has been exacerbated by numerous allegations of mismanagement of public funds by the Government. Despite the appointment in September of a new Cabinet led by Prime Minister Jean-Henry Céant, tensions grew further as the population continued to demand improved governance and accountability, and as elements of the opposition called for the resignation of President Moïse. While there were some tense moments during the demonstrations of 17 October and 18 November, the Haitian National Police (HNP) showed professionalism in its handling of large crowds simultaneously — even during the smaller, but somewhat more violent, protests of 18 November, which were followed by a two-day general strike that paralysed the country.

Since then, however, calls from the opposition for new protests have failed to garner much popular support. Concurrently, there were worrying episodes of violence in some of the most notorious neighbourhoods of Port-au-Prince, areas where State authority is limited. Investigations by both the authorities and human rights organizations are ongoing, while our human rights service is also working to determine what happened.

It is against that backdrop that MINUJUSTH strives to implement its mandate. Even though progress has been slow, the visuals before the Council show the incremental, yet positive, impact that the Mission has had on reinforcing rule-of-law institutions, increasing the capacity of the Haitian National Police and promoting human rights in Haiti. At the request of the Prime Minister, we established a joint commission composed of his advisers and MINUJUSTH staff, with the participation of other United Nations agencies, funds and programmes, to remove several bottlenecks in the implementation of MINUJUSTH's mandate and to provide a technical forum for transition-related issues. The joint commission has already met three times in constructive dialogue. The law on the creation, organization and functioning of the National Council on Legal Aid was finally promulgated on 26 October, after months of discussion. If fully implemented, it will greatly contribute to alleviating the protracted phenomenon of prison overcrowding. Likewise, following a series of nominations made in the fall by the executive branch, we now estimate that only an additional 60 to 70 judges are required for the tribunals in the country's 18 jurisdictions to operate at capacity.

The work undertaken by MINUJUSTH to increase the capacity of human rights actors in the country is also yielding results. The fact that the Government

now has a dedicated ministerial-level focal point for human rights indicates Haiti's readiness to engage with international human rights bodies and to prepare a national action plan. Another encouraging development is that the Office of the Ombudsperson for Human Rights is slowly increasing its presence outside of Port-Au-Prince. In that connection, the space for human rights organizations to operate in a more conducive environment is expanding.

However, much remains to be done. Successful pilot projects, such as the one that brings together the principal actors in the penal chain to directly tackle the problem of pre-trial detention in the jurisdiction of Port-Au-Prince, must now be replicated throughout the country. The inspection mechanisms in the judiciary need to be made more robust in order to increase the rate at which cases are adjudicated by judges. The issue of gang violence, endemic to a number of neighbourhoods of the Port-Au-Prince metropolitan area, must be addressed in a systemic manner to avoid the types of worrisome episodes that have occurred in recent weeks. In that respect, the executive branch and the Haitian National Police recently committed to increasing their engagement in order to find sustainable solutions to that problem.

A more assiduous and focused Parliament will be required to pass essential legislation, such as the organic law on the Haitian National Police, a new criminal code and a new code of criminal procedure. Finally, it would behove not only on the Government of Haiti but also the international community to fulfil their commitment to fully fund the five-year strategic development plan of the HNP so as to ensure the continued build-up of human, logistical and material capacity of that institution. MINUJUSTH will focus on fulfilling those objectives in the coming months, a period during which the country is expected to prepare for and hold constitutionally mandated parliamentary and municipal elections. Following a request by Haitian authorities, a needs assessment mission was recently deployed to Port-au-Prince to determine the extent to which United Nations agencies, funds and programmes would be able to provide technical assistance and logistical support to the process.

While the totality of the benchmarks will not be achieved by 15 October 2019, with careful and responsible planning all options for the reconfiguration of the United Nations presence in Haiti are still feasible. Close collaboration with the Government and its partners will be essential to achieve a successful transition to a non-peacekeeping United Nations presence in the country. I am pleased to report that, in accordance with resolution 2410 (2018), this month MINUJUSTH will be reducing the footprint of its formed police units (FPUs) from seven to five. The Bangladesh FPU, currently stationed in Miragoâne, and the India 1 FPU, based in Port-au-Prince, ceased their activities on 1 December and will have left Haiti by the end of this year. Their departure is accompanied by a series of measures to ensure civilian populations do not experience a decrease in security. The Rwanda FPU, currently stationed in Jérémie, will be relocated to Miragoâne, thereby giving it easier access to the entire south-west region, as well as to Port-au-Prince. The progressive withdrawal of the two FPUs is being offset by a redeployment of HNP forces to the affected areas. The departure of the other formed police units, which has been planned for in an updated security transition plan, will take place in 2019 if conditions permit.

The success of the MINUJUSTH's efforts, however, is conditional on the good functioning of the Government. That is why in the past weeks I have used the good offices of the Secretary-General to reach out to the President and the Prime Minister, as well as leaders from across the political spectrum and key players of the private sector, to advocate for a de-escalation of current tensions and respect for the constitutional order. I am encouraged by the initial signals sent out by the Moïse-Céant Administration to start a genuine dialogue with the political opposition and civil society, while also launching a number of social appeasement initiatives to address popular grievances.

Let me conclude by saying that the country's current context is laden with challenges, but also hope. The popular call for greater accountability in the use of public funds provides a clear sign of the strength and vibrancy of Haitian civil society, and of its desire to actively participate in shaping the future of Haiti. The prompt and efficient response of the Government to the 6 October earthquake, which struck the northern part of the country, demonstrates the true capacity for action of the Haitian State when it is united. It is therefore important that we collectively assist the country in emerging from the current political impasse. Through a constructive and peaceful dialogue, the democratically elected Government of Haiti could set the stage for the next cycle of elections and continue to implement programmes that will improve the lives of its citizens.

The President (*spoke in French*): I thank Ms. La Lime for her briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Cohen (United States of America): We thank Special Representative La Lime for her briefing and for being with us today. We appreciate the update on the efforts of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) and its preparation for a successful drawdown of operations by October 2019. We also always appreciate the excellent handouts, which give us a very good graphic representation of the progress that is being made in the Mission.

Let me start by expressing our support to the people of Haiti, who faced a volatile security situation over the past several weeks. We extend our condolences to the families and friends of the victims, including the Haitian National Police (HNP) and customs officers who perished in the line of duty. We support the rights of individuals to freely express themselves and peacefully protest, but we condemn acts of violence. The United States encourages meaningful dialogue to address points of disagreement and find lasting solutions without violence. We urge all parties and leaders to work together to move the political dialogue forward in ways that advance the interests and aspirations of the Haitian people.

The United States will continue to support the goal of a safer, prosperous future for all Haitians. However, change must come from the ballot box. We know that Haiti is preparing for legislative and local elections next year. Elections can take place only in a climate of peace, tranquillity and transparency and in accordance with Haitian law. Haiti must adhere to the electoral timetable, or risk further instability. We also commend the professionalism demonstrated by the Haitian National Police in maintaining security and preserving public order during the demonstrations on 18 and 23 November, and in the days before and after. However, for the sake of transparency and accountability, we call on the HNP General Inspectorate to investigate all allegations of human rights abuses. That will further strengthen the HNP's ability to carry out its vital mission. The future of Haiti's security depends on well-trained and adequately resourced police. As such, since 2010, the United States has invested more than $250 million to increase the size and professionalism of the HNP through training, equipment and infrastructure. As a direct result of United States support, the HNP has grown from a force of 6,000 in 2010 to more than 15,000 in 2018.

Twelve months into the projected two-year lifespan of MINUJUSTH, the Mission — together with international partners, including the United States — has helped build Haiti's security and justice sector capacities. Furthermore, the Haitian Government has advanced key justice sector legislation, reinforced Haitian National Police crowd-control capabilities and made progress towards addressing international human rights concerns. However, progress is not even across all benchmarks and more needs to be done, particularly on strengthening rule-of-law and anti-corruption institutions. Other challenges include renewing judicial mandates, filling vacant Supreme Court seats, strengthening judicial oversight to combat impunity and establishing a permanent electoral council. We expect MINUJUSTH to continue its work with Haiti to achieve the necessary progress that will permit it to transition to a non-peacekeeping United Nations presence by October 2019. We are optimistic that benchmarks to complete a peacekeeping mission can be achieved by the end of MINUJUSTH's projected lifespan. Work on other benchmarks may be continued after its drawdown.

This is the time to start planning the transition. We look forward to the strategic assessment report due by 1 March 2019. In order for MINUJUSTH's drawdown to succeed, it will require fine-tuned coordination, the full transition of responsibility to Haitian authorities and the planning of legislative elections. The United Nations will continue to play a role in Haiti, but a peacekeeping operation under chapter VII of the Charter of the United Nations will not be necessary after October 2019. Until then, continued efforts from MINUJUSTH and the Government of Haiti are essential to achieve the Mission's benchmarks and the common goal of a safer, more secure and prosperous country for all Haitians.

Mr. Llorentty Soliz (Plurinational State of Bolivia) (*spoke in Spanish*): My delegation thanks the Special Representative of the Secretary-General for her informative briefing on the most recent events in Haiti and on the activities of the United Nations Mission for Justice Support in Haiti (MINUJUSTH). We also welcome the presence of the Permanent Representative of Haiti.

Bolivia expresses its condolences for the loss of life during the earthquake that struck the island on 6 October. We hope that the affected population can recover quickly from that unfortunate event. In that regard, we commend the humanitarian agencies of the United Nations and MINUJUSTH for their support to the Haitian Government following that event.

Given recent events, we believe Haiti must work towards dialogue and political consensus to allow it to overcome its current obstacles and boost its economic development. We reiterate our commitment to that brotherly country and call upon the international community to continue its efforts to confront the current challenges, mainly related to the security sector, the rule of law and development. That support must be carried out in close consultation and coordination with the Haitian Government, in strict respect for its sovereignty, independence and territorial integrity.

Similarly, we commend the progress in the areas I just mentioned, in particular with regard to the law for the creation, organization and functioning of the National Council on Legal Aid, enacted on 26 October, which is an important milestone for reducing pretrial detention, thereby easing overcrowding in Haiti's jails. We encourage the Government to take the necessary measures for its implementation. Additionally, we urge them to avoid delays in the appointment of judges so as to preserve the rule of law and avoid overcrowding.

We also welcome the fact that the Haitian Government has completed the evaluation phase of the population and housing census, which will provide the necessary information for putting in place sustainable policies that will help it eradicate extreme poverty and meet the challenge of achieving the Sustainable Development Goals. We reiterate that doing so requires that external cooperation be better aligned with Government priorities, keeping in mind the scope of those Goals and the implementation of the 2030 Agenda for Sustainable Development.

Similarly, it is important to strengthen State capacities to cope with natural disasters. In that regard, we commend humanitarian actors such as UNICEF, the Office for the Coordination of Humanitarian Affairs and the United Nations Disaster Assessment and Coordination Team for their coordinated assistance. We call on the international community and donors to provide financial support to consolidate the humanitarian response plan.

We appreciate the progress made in the fight against cholera through the Secretary-General's new approach, and we welcome the Organization's continued support to the Haitian authorities to help combat this epidemic under the framework of the National Plan for the Elimination of Cholera in Haiti. We stress that the Organization and its Members bear the collective responsibility for eradicating that disease. In that connection, we reiterate our call to the international community to work and comply with its commitments and to cooperate with the Republic of Haiti to build robust sanitation and health systems. Cholera continues to be a central problem that affects not only sanitation and access to water but all areas of development and stability in Haiti.

With regard to the progress on reaching the benchmarks, we reiterate that work to that end must be carried out in strict compliance with MINUJUSTH's mandate in the areas of the rule of law and security, in accordance with resolution 2350 (2017), in order to consolidate stability in the country and make progress towards sustainable development.

We commend the Mission's work on the community violence-reduction programme, which involves at-risk women and youth in activities that give them the tools and training to generate revenue, while also fostering community dialogue. We encourage the Mission to continue that work, which has proven useful in reducing crime.

Moreover, we welcome the support provided to Government institutions in the areas of justice, human rights and security, and commend the Mission's work in assisting victims of sexual abuse and exploitation. We encourage MINUJUSTH to continue those efforts and, in line with the zero-tolerance principle, we urge that the people responsible for those crimes be punished accordingly.

Finally, we stress that there can be no development without peace or peace without development. As such, we believe that the international community should join forces and enhance synergies with the Government in the framework of the MINUJUSTH mandate.

As this is my delegation's last statement on this issue as an elected, non-permanent member of the Security Council, I would like to underscore that the situation in Haiti — as described by various officials as well as by the Special Representative of the Secretary-General — is clearly not a threat to international peace

and security. Therefore, it will no longer the purview of the Security Council following the planned closure of MINUJUSTH.

Mr. Albanai (Kuwait) (*spoke in Arabic*): At the outset, I would like to thank the Special Representative of the Secretary-General and Head of United Nations Mission for Justice Support in Haiti (MINUJUSTH), Ms. Helen Meagher La Lime, for her valuable briefing regarding developments of the situation in Haiti as well as the role of MINUJUSTH. I would like to focus on three key aspects concerning our topic today, namely, political, humanitarian and security aspects.

We followed with concern the demonstrations and protests that took place in October and November following two reports by the Senate in Haiti regarding mismanagement of the PetroCaribe Fund. The protesters called for fighting corruption and improving social services. Although those demonstrations led to several deaths and many wounded, the Haitian National Police demonstrated professionalism and succeeded in preventing vandalism, which could have led to more civilian casualties.

We support the measures taken by Government authorities under the leadership of President Moïse to meet the demands of the protesters. That resulted in the dismissal of many Government advisers and the setting up an independent committee with the purpose of overseeing investigations relating to corruption.

The Parliament recently adopted a revised general budget law for the period 2017-2018, following the reinstatement of fuel subsidies. The Parliament also adopted a law establishing the National Council on Legal Aid. Despite the importance of those two laws, the present legislative activity of the Parliament has not yet risen to the aspirations of the Haitian people vis-à-vis the creation of an integrated legal environment that enables national institutions to shoulder their full responsibilities.

During our previous meeting on Haiti (see S/PV.8342) I addressed several issues that could improve the humanitarian situation, including providing capacity-building for national institutions to increase their effectiveness in addressing natural disasters. Accordingly, we view the determination of the Haitian Government to establish a standing mechanism for crisis management as a positive step in that direction, especially after the earthquake that struck northern parts of the country and led to human and material damage. In that regard, I extend our sincere condolences to the Government and the people of Haiti for the victims.

We have also followed up on the progress achieved to address the cholera epidemic. The United Nation continues to support the Haitian authorities in implementing the national plan to eradicate the cholera epidemic. Both the authorities and the United Nations must continue their efforts until the epidemic is fully eradicated as planned.

Expediting the implementation of judicial reforms will help reduce pretrial detention rates, thereby also decreasing overcrowding in prison facilities and improving the humanitarian situation.

The Haitian National Police demonstrated competence in dealing with the many demonstrations that took place recently in various parts of the country. The ongoing reduction in the crime rate is further proof of the competence of the police despite an increase in the challenges they face, including the presence of various armed groups and gangs that jeopardize citizen safety and security and negatively impact upon the steady improvement in security throughout the country. It is therefore imperative to proceed with the implementation of the strategic development plan for the Haitian National Police, notwithstanding the difficulties that obstruct its implementation, including scarcity of the financial resources needed to safeguard the success achieved on the security front.

I would like to commend the efforts made by MINUJUSTH, especially those related to implementing the exit strategy according to its mandate when it was established, despite the difficulties facing the various benchmarks for implementing the exit strategy. Finally, we reiterate our gratitude to Ms. La Lime and extend our full support to her and the Mission.

Mrs. Gueguen (France) (*spoke in French*): I, too, would like to thank the Special Representative of the Secretary-General for Haiti, Ms. Helen Meagher La Lime, for her briefing on the situation in Haiti and the work of the United Nations Mission for Justice Support in Haiti (MINUJUSTH).

We are now approaching the transition period at the end of which the United Nations and Haiti will open a new chapter in their history, one that will be written outside the peacekeeping framework. In that regard, France welcomes the progress made in the

training of the Haitian National Police. A total of more than 15,000 officers have been trained, demonstrating their professionalism during the frequently violent demonstrations of recent months.

MINUJUSTH's contribution to the country's stability since it was established, a little over a year ago, has been crucial, including its support for strengthening the rule of law, police training and the good offices provided by the Special Representative of the Secretary-General. However, the volatility in recent months also highlights how fragile the situation in Haiti remains. In that context, and in the run-up to the withdrawal of MINUJUSTH, I would like to focus today on three points.

First, all political actors must fully commit themselves, as appropriate and in conjunction with the Special Representative's good offices, to strengthening the rule of law in Haiti and responsibly defending the interests of the Haitian people. The adoption of the legal aid law and Haiti's accession to the Convention relating to the Status of Stateless Persons should be welcomed as encouraging steps. However, much remains to be done to strengthen the legislative framework necessary to protect the rights of Haitian citizens and ensure an independent and impartial judiciary. An inclusive political dialogue is needed to reach agreement and ease tensions. France supports the efforts made to that end by the Prime Minister, on behalf of the Head of State.

While the efforts of the authorities and the mobilization of the population in favour of the development of a State governed by the rule of law are real, we nevertheless condemn in the strongest terms the use or threat of the use of violence. In its press release issued of 2 November, the core group on Haiti recalled

> "the democratic legitimacy of the Government of Haiti and that in a democracy, change must be through the ballot box and not through violence."

We deplore the loss of human lives caused by that violence.

My second point focuses on the essential reforms needed to move towards sustainable prosperity and entrench democracy in Haiti. At times we hear voices that defend the idea that economic goals should take priority over the legitimate demands of the people, including when they fight for their fundamental rights and against impunity. That is a false dichotomy. In the current context, stability in Haiti and, by extension, its prosperity, now depends more than ever on strengthening its judicial institutions, providing greater access to social services and improving detention conditions in prison facilities, where there is still work to be done. Dealing with corruption, which is an issue often condemned at the highest level, must be a major part of the various reforms that are crucial to the country's recovery. France encourages the Haitian authorities to ensure that the management of public funds is entirely transparent and do their utmost to see that justice is served, particularly where the PetroCaribe affair is concerned. The sense of impunity must be addressed with determination in the courts.

Thirdly and lastly, France attaches tremendous importance to the vibrancy of Haitian democracy, and in that regard welcomes the commitments made in preparation for the holding of legislative and senate elections in October 2019, in particular the request for election assistance from the United Nations. Haiti's ability to ensure that its elections are held in accordance with its published calendar will increase the Government's credibility. We therefore hope that the elections will be held as scheduled, and that the preparations for them will be conducted in the best conditions possible and with the support of the international community. All the relevant political actors must take advantage of the elections to launch a dialogue with civil society that takes into account the aspirations of the people.

It is our collective responsibility to help the Haitian authorities prepare for MINUJUSTH's withdrawal next October in order to ensure a smooth transition. That is why we must meanwhile redouble our efforts to strengthen the rule of law and democracy in Haiti. Haiti can depend on France's support. My country rejects in the strongest terms any violence aimed at destabilizing the country. It is up to Haiti's leaders from its three branches of Government and across the political spectrum to meet the crucial challenges faced by Haitian society, particularly its young people, and to strengthen democracy and the rule of law so as to ensure stability and a decent standard of living for all.

Mr. Orrenius Skau (Sweden): Let me begin by thanking the Special Representative of the Secretary-General for her update today and for the charts reflecting the mandate implementation dashboard, which really help to illustrate the progress on the mandate of the United Nations Mission for Justice Support in Haiti

(MINUJUSTH) and on her work in Haiti. Let me also take this opportunity to thank MINUJUSTH as a whole for its committed work for Haiti and for its people.

Sweden commends Haiti for the progress made in consolidating democracy and stability over the past two years. We are hopeful that it will continue to make progress throughout the elections in 2019 and beyond. The past few months have shown that there is a need for renewed, broad-based political support for reforms. Accountability must be a key component in delivering on the priorities that the President and his Government have set out. The rule of law and respect for human rights, and improvements in economic development, infrastructure, resilience and security are also important factors in Haiti's ability to further advance on its path to long-term stability. The benchmarks presented in the Secretary-General's report (S/2018/1059) will help focus efforts to support those goals. It is crucial to ensure an integrated rule-of-law approach that encompasses the whole justice chain, from police and corrections to prosecution and courts, and with adequate capacity. The Haitian National Police have made good progress. We also welcome the appointment of a delegate minister for human rights. Other Haitian authorities, with the support of MINUJUSTH, now need to make similar progress in the areas of the judiciary and corrections.

MINUJUSTH plays an important role and should continue to fully integrate gender throughout its mandate as a cross-cutting issue. That includes, not least, establishing measures to increase security for women, and assisting the Government in ensuring women's participation in political processes at every level. We expect the upcoming strategic assessment of the Mission to include gender expertise. We would also like to underline the importance of efforts to strengthen the prevention of sexual exploitation and abuse in the Mission. We need to continue ensuring that alleged cases of sexual exploitation and abuse are reported and investigated, and that all necessary steps are taken to apply disciplinary measures and undertake criminal prosecutions to hold perpetrators accountable. The Secretary-General's new approach to eradicating cholera and building resilience in Haiti should also be supported. We were happy to be a sponsor of General Assembly resolution 72/276 in that regard. Sweden has supported the United Nations-Haiti Cholera Response Multi-Partner Trust Fund and encourages others to contribute.

Next year's elections in Haiti will be crucial. We encourage the Haitian authorities to swiftly adopt the new electoral law and take all other necessary steps. Needless to say, we welcome the Government's commitment to ensuring that the elections are held, as scheduled. Credible, transparent and inclusive elections will be a decisive factor for the country's long-term stability.

MINUJUSTH is one of the first missions making a transition from traditional peacekeeping in the era of sustaining peace. The Peacebuilding Commission could provide a useful platform that can be explored in that regard. A successful transition would be important for Haitians first and foremost, but would also serve as an example for the United Nations system. The international community must remain committed to supporting Haiti as it moves forward on its path towards peace and prosperity for its people.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): We thank Ms. Helen La Lime, Special Representative of the Secretary-General, for her briefing on the situation in Haiti and the work of the United Nations Mission for Justice Support in Haiti.

In our view, the second of the series of quarterly reports (S/2018/1059) mandated by resolution 2410 (2018) is a remarkably objective reflection of a complex situation in a critical period for the country. The closer we get to the time when the Council must consider the issue of the Mission's closure, the more frequently Haiti and its people are encountering challenges that they will soon have to deal with by themselves and take national ownership of. The already very fragile security situation has been subjected to new stresses. The mass protests, which reached a peak on 17 October and again on 18 November, emphasized that resolving any of the issues between the people and the Government must be done through direct, constructive and, most importantly, peaceful dialogue, and strictly within the framework of Haiti's legal arena. We believe that its citizens' inalienable right to peaceful assembly and freedom of expression must be exercised solely in compliance with their national legislation. We support our colleagues who have urged the demonstrators to respect the law and refrain from violence or action that undermines Haiti's stability and social order. We hope that our Security Council partners will take a similar position on all such situations, wherever they may happen to take place.

We are pleased with the report's positive assessment of the process of transferring responsibility to the Haitian National Police. We were interested in the description of the fact that the work of dealing with the mass protests enabled the police to display the professional skills they have gained. While those complimentary assessments give rise to optimism, we were surprised that the report made reference in that regard to some so-called international stakeholders who remain nameless. We would like to see the Secretary-General's own assessments in his reports, based on information provided by the Mission. We cannot ignore a statement in the section of the report on human rights to the effect that during the reporting period the Mission cited 15 violations allegedly committed by the police. In every instance, for example in paragraph 56, there are references to allegations of the excessive use of force by police officers. We want to stress that this wording is too vague for a report on an issue as critical as human rights. We would like to point out that in April (see S/PV.8226), our American colleagues insisted that resolution 2410 (2018) should apply the provisions of Chapter VII of the Charter of the United Nations to the Mission's entire mandate, which undermined the Council's long-standing consensus on Haiti. Was that really done so that we now have to discuss certain proposals?

We are extremely alarmed by the report's assessments of the rapidly deteriorating economic and humanitarian situation. The plight of a significant part of the population is being compounded by continuing outbreaks of cholera, while only 11 per cent of this year's humanitarian response plan has been funded. On top of that, the earthquake that occurred on 6 October resulted in 18 deaths and has either destroyed or damaged around 11,000 homes.

In these exceedingly difficult circumstances, the Government, led by President Jovenel Moïse, has made serious efforts to make progress in accordance with the Secretary-General's benchmarks, including in the areas of political reform, security, the strengthening of the judicial system and, of course, the police. However, we believe that it is crucial to ensure that the legislative, executive and judicial branches of the authorities work together. Needless to say, neither can the international community remain indifferent. It must help the Government and the people of Haiti to establish their national ownership of post-conflict peacebuilding. The United Nations staff still have a great deal to do in their task of providing the Haitian authorities with as much assistance as possible.

Russia supports Port-au-Prince and will continue to work to ensure that the Security Council's efforts will result in genuinely normalizing the situation in Haiti and strengthening its sovereignty and self-sufficiency.

Mr. Wu Haitao (China) (*spoke in Chinese*): I would like to thank you, Mr. President, for convening today's meeting, and Special Representative La Lime for her briefing.

The recent political situation in Haiti has been marked by instability, with demonstrations and violence occurring in various parts of the country. The security situation therefore remains fragile. Meanwhile, the economic situation and people's livelihoods in Haiti are in urgent need of improvement. In addition, the cholera epidemic and the grim humanitarian situation persist. China takes note that in his latest report (S/2018/1059) to the Security Council, the Secretary-General calls on the Haitian Government to pay more attention to its people's demands and take concrete action to address corruption. China urges the Haitian Government to take a more serious attitude to engaging in political dialogue with all parties in the country with a view to properly resolving their differences through consultations.

The international community should continue to increase its focus on the political, economic and humanitarian situation in Haiti and help the country maintain national stability, promote economic development, improve its people's livelihoods and implement the 2030 Agenda for Sustainable Development. China appreciates the recent efforts of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) and Special Representative of the Secretary-General La Lime, and supports MINUJUSTH and the United Nations country team in continuing to provide justice support to Haiti in accordance with their mandates to help the Government strengthen its legislative and judicial functions and strengthen the capacity of the Haitian National police with a view to enabling the Government to effectively assume the responsibility of maintaining the country's security and stability. The Haitian Government should continue to strengthen coordination with the United Nations and cooperate with the United Nations in the work needed to achieve MINUJUSTH's exit strategy.

Mrs. Gregoire Van Haaren (Netherlands) (*spoke in French*): I would first like to thank Special

Representative Helen La Lime for her efforts on behalf of Haiti and for her first briefing to the Council.

The Kingdom of the Netherlands aligns itself with the statement to be delivered by the observer of the European Union.

We are following the situation in Haiti with particular attention. Three of the four countries that make up our Kingdom are located in the Caribbean, including Sint Maarten, a neighbour of Haiti, and the Prime Minister of Sint Maarten, Ms. Marlin-Romeo, addressed the Council during our September meeting on Haiti (see S/PV.8342). We have been encouraged by the positive path that Haiti has taken with the support of the United Nations and the international community in the past few years. It is now at a crossroads where it is essential to consolidate and develop the gains made so far. Today I would like to address three issues — threats to political stability, the establishment of the rule of law and prospects for the future.

In recent months, many Haitians have protested about the Government authorities' lack of control and accountability. The Government must take its citizens' grievances seriously. At the same time, it is important that all political stakeholders engage constructively and act in the interests of the Haitian people, while respecting democratic institutions. We are concerned about the violence that has occurred during some of the demonstrations, partly provoked and committed by armed gangs. Such acts are unacceptable and undermine the fragile political situation in Haiti.

Those developments underscore the importance of improving the efforts to achieve the benchmarks outlined in the report of the Secretary-General (S/2018/1054) for consolidating the rule of law. In the past few years Haiti has made significant progress in establishing the rule of law in a challenging environment. The progress of the national police in terms of its capacity and professionalism, which has been reflected in its management of the recent mass demonstrations and in the increase in its numbers of female officers, is a positive example in that regard. The achievement of several of the established goals therefore seems within reach. We also welcome the recent appointment of a delegate minister for human rights, who will be responsible for the speedy development of a national human rights action plan.

Despite the progress in those areas, it is clear that we have to step on the gas. In that regard, we welcomed the establishment of the joint commission. In order to meet the goals of MINUJUSTH's exit strategy, it will be vital to adopt and implement legislative reforms in a number of key areas quickly and effectively. The country must redouble its efforts to address the major problems of overcrowded prisons, prolonged pretrial detention, corruption and the lack of control and accountability in the public sector, including the police. That requires a total political commitment and the allocation of adequate financial resources.

That brings me to my last point, on prospects for the future. The rule of law must be consolidated in order to strengthen the people's trust in the justice system and promote sustainable peace and development. The efforts in that regard must be redoubled to enable the transition from MINUJUSTH to another form of United Nations presence to take place next year. Developments in the coming months will inform the debate on the form that such a presence might take. To that end, it will be necessary to assess the risk of destabilization, with a view to ensuring the peaceful holding of elections in October. We look forward to the strategic assessment that should guide that debate. Whatever form the transition eventually takes, it will be crucial for the Haitian Government, the Mission and the United Nations country team to maintain close cooperation.

In conclusion, the Kingdom of the Netherlands firmly supports the aspirations of the Haitian people to achieve peace, justice and development. The conditions necessary for achieving that goal are clear. They are the strengthening of the rule of law, including through increased police, judicial and prison capacity, the rapid implementation of priority measures and respect for human rights. The Haitian Government must take full advantage of the presence of MINUJUSTH to make progress along that path. For its part, the Kingdom of the Netherlands will continue to support the engagement of the United Nations in Haiti.

Mr. Hickey (United Kingdom): Let me begin by thanking the Special Representative of the Secretary-General, Ms. Helen Meagher La Lime, for her briefing, and in particular for the mandate-implementation benchmarks dashboard of the United Nations Mission for Justice Support in Haiti (MINUJUSTH), which is very useful and helpful. I hope that we will see similar dashboards for other United Nations peacekeeping missions in the future.

It is now approximately 18 months since the Security Council visited Haiti under the leadership of the Permanent Representative of Bolivia, and it is encouraging to hear that progress has been made in a number of areas. The United Kingdom continues to appreciate the work of MINUJUSTH and its support for the Government of Haiti to strengthen the rule of law and further develop the capacities of the Haitian National Police. I also wish to recognize the efforts of President Moïse to finding a constructive solution to the recent tensions. It is clear that the situation on the ground remains fragile. I will limit my statement to three main points.

First, with regard to the progress made against the benchmarks, I want to specifically acknowledge some of the important milestones reached. The United Kingdom has been greatly encouraged by the progress made, ranging from the promulgation and roll out of the legal aid law to the recent graduation of 692 police cadets and an increase in the number of women police, which is now close to the benchmark's target. Both MINUJUSTH and the Government of Haiti can justly celebrate those successes.

However, progress is still needed in critical areas. With legislative elections on the horizon, the promulgation by Parliament of the draft electoral law — already highlighted today by the representatives of France and Sweden — remains vital, as does the reconstitution of the permanent electoral council and the updating of the electoral roll. If the professionalization of the Haitian National Police is to be sustained, then its oversight and accountability mechanisms need to be properly functional. That is paramount to increasing the trust between the State and the Haitian people in order to cement the social contract. And if Haitian rule-of-law institutions as a whole are to stand up effectively and turn new laws into a better reality, then budgets and implementation plans need to be finalized.

Secondly, if political and security efforts to build peace are to succeed, they will need to be accompanied by efforts to address the structural issues that have exacerbated or sustained the grievances of the Haitian people, including with regard to economic opportunities and access to basic services. Dialogue at all levels is essential, and the United Kingdom encourages the Haitian Government, together with its international partners, to intensify dialogue among all stakeholders, including the private sector and civil society, in order to reach greater consensus on shared peacebuilding priorities, including the adoption of measures that can respond to the immediate needs of people and minimize the risk of destabilization or relapse into violence.

Thirdly, and finally, with regard to the MINUJUSTH transition, I want to say, quite simply, that it is critical that we all get this right. We now have a little more than nine months before MINUJUSTH is expected to leave Haiti and be succeeded by a non-peacekeeping United Nations presence. As others have already said today, Haitian ownership and the delivery of critical reforms are essential for the transition to be a success. I was encouraged to note in the report (S/2018/1059) the establishment of a joint commission by the Haitian Prime Minister and the Special Representative of the Secretary-General. It is vital that all parties now intensify their efforts to ensure that the benchmarks are met.

I was also encouraged to learn that efforts are being stepped up with regard to the MINUJUSTH-United Nations Development Programme joint rule of law programme and its sustainability in the post-peacekeeping phase. The United Kingdom would welcome similar efforts to ensure the sustainability of MINUJUSTH's community violence-reduction programme.

With the United Nations strategic assessment process now under way, we look forward to engaging closely with all stakeholders on how to make that transition a success. We continue to urge the Secretary-General to be realistic and clear about the division of responsibilities across the United Nations system and to support the United Nations to fill the gaps identified in the capacities and capabilities of the United Nations country team, which is key to a successful transition.

Mr. Radomski (Poland): At the outset, I would like to thank the Special Representative of the Secretary-General, Ms. Helen Meagher La Lime, for her informative briefing and dedicated service as Head of the United Nations Mission for Justice Support in Haiti (MINUJUSTH).

Poland associates itself with the statement to be delivered later by the observer of the European Union.

In recognizing Haitian efforts to ensuring the stability of the Government and the prosperity of its people, I must underline our concerns about the ongoing fragility of the situation. The violent events that took place in October and November in Port-au-Prince and other cities in Haiti reflect the ongoing volatility of

the situation faced by the Haitian people. We further reiterate our call on all parties to abstain from the use of violence in trying to achieve political goals, as well as to respect the rule of law and continue efforts to find a consensual solution to the problems faced by the country. Poland encourages the Government of Haiti to continue undertaking concrete actions to address the demands of the population, including through a constructive dialogue with civil society and the opposition. Such dialogue should result in the long-term stability of the country.

Let me underline that we fully agree with the observation in the Secretary-General's report (S/2018/1059) that the holding of elections in 2019 will be a significant milestone in stabilizing Haiti. We recognize and support the Government's request for electoral assistance from the United Nations. In that spirit, Poland encourages Haiti to strengthen good governance, build up public confidence in national institutions and promote private investment, as those measures are critical to fostering sustainable development and ultimately achieving the Sustainable Development Goals.

Turning to the presence of MINUJUSTH in Haiti, we believe that a smooth and effective transition to a non-peacekeeping presence is possible only through the sustained efforts of Haiti's leaders and people, with the support of MINUJUSTH, the United Nations country team and the wider international community. We welcome the continued contribution of MINUJUSTH to ensuring public security by providing capacity-building services to the Haitian National Police, including operational support and equipment. We note the positive role of MINUJUSTH in the improvement of the Haitian justice system. However, durable solutions will emerge only if the justice sector is reformed along the lines established by resolutions 2350 (2017) and 2410 (2018).

The fragile political and economic situation amplifies the conditions in which human rights are exposed to the risk of abuse and violation. The persistent problems of prison overcrowding and gang activity only add obstacles to the malfunctioning justice system. We therefore believe that paying special attention to ensuring respect for human rights in the work of the security forces and correction officers, as well as impartial justice for all, is truly essential. The Secretary-General's report shows that much remains to be done to achieve the objectives of MINUJUSTH's exit strategy. Efforts must be multiplied to ensure that the benchmarks are reached. Bearing in mind the fragility of the situation and the vastness of work to be done, we believe that the presence of the United Nations in Haiti should not be withdrawn excessively or too early.

In conclusion, I would like to underline our continued support for the Government of Haiti and efforts towards a non-peacekeeping presence in the country. Democratic transitions can be difficult, but we believe that, with determination and the constructive engagement of the international community, Haiti will enjoy a stable, secure and democratic future.

Ms. Guadey (Ethiopia): We thank the Secretary-General for his report (S/2018/1059) pursuant to resolution 2410 (2018). We are grateful to Special Representative Ms. Helen La Lime for her briefing on the latest situation in Haiti and the activities related to the United Nations Mission for Justice Support in Haiti (MINUJUSTH).

We note the socioeconomic difficulties that Haiti continues to face, and we agree with the Secretary-General that there is a need to find a consensual solution to some of these difficult challenges, within the framework of the existing constitutional dispensation. We believe that strengthening the rule of law and democratic institutions, ensuring political stability and improving socioeconomic conditions are the key elements needed to achieve greater security, stability and future prosperity in Haiti. It is essential that actors from across the political spectrum and from all branches of Government work together for the common good.

We welcome the commitment of the Haitian Government to hold the 2019 elections on schedule. The provision of electoral assistance by the United Nations remains significant, as the elections will be a crucial milestone for the stability of the country. The swift adoption of the electoral law will pave the way for credible, timely and inclusive elections. All political actors should be encouraged to engage in a constructive dialogue towards peaceful elections. We would also like to commend the Haitian National Police for their professionalism and the manner in which they have carried out their activities in a challenging environment.

Ethiopia recognizes the important contribution of MINUJUSTH and we concur with the Secretary-General's assessment that much remains to be done to ensure a smooth and effective transition of the Mission.

Let me conclude by reaffirming our commitment to and solidarity with the people and the Government of Haiti as they continue striving to consolidate the progress made in recent years, and our confidence in the Haitian people's determination to persist and succeed in their quest for stability, democracy and prosperity.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): We appreciate the convening of this meeting and the important briefing given by Ms. Helen La Lime. We also wish to welcome the presence of Ambassador Denis Regis, Permanent Representative of Haiti.

Peru has closely followed developments in Haiti — a friendly country of our Latin American and Caribbean region — and supports the vital role of the United Nations Mission for Justice Support in Haiti in strengthening national institutions mandated to guarantee security, the rule of law and human rights in the country, in line with the targets and indicators proposed by the Secretary-General to drawdown the Mission in a sustainable manner.

The earthquake of 6 October reminded us of Haiti's high vulnerability to natural disasters. We reiterate our condolences to the Government and the people of Haiti in the wake of that tragedy. While acknowledging the Government's efforts to prevent the risks that such disasters entail, including its fight against cholera and food insecurity, we underscore the need for the international community to continue providing humanitarian aid to this country.

We share the concern of the Secretary-General about the lack of progress in key areas. The climate of instability and social tensions make the work of the Mission difficult. We are alarmed by the recurrence of violent protests which, in recent months, have resulted in the unfortunate loss of human life.

The strengthening of the operational capacities of the Haitian National Police should be reflected in more effective action against the proliferation of armed gangs. It is necessary to prevent protests from degenerating into episodes of violence. To that end, we highlight the important programmes aimed at reducing community violence and in particular the work of mobile teams and the development of quick-impact projects. We consider it important to incorporate the gender approach and include youth in the design and implementation of such projects, and to ensure their adequate funding.

We believe that the implementation of the strategic development plan for the police should serve to strengthen respect for oversight procedures and capacities and facilitate access to justice, when appropriate. Reports of abuse and corruption among bad apples in the police force must be duly investigated. In that connection, we reiterate our concern about the persistence of prolonged pre-trial detentions, as well as prison overcrowding, which has led to an unacceptable number of deaths in prison. We encourage the full implementation of the law on legal aid and reiterate the need to complement it with other essential pieces of legislation that remain pending, including with respect to the penal code, the code of criminal procedure and the law on prisons. We also believe it necessary to overcome problems within the Ministry of Justice and appoint more judges in order to facilitate access to justice.

The fight against corruption is a key element in strengthening the rule of law and building the confidence of the population in its institutions. In this regard, we note the announcement to create an independent commission to monitor the investigations of the PetroCaribe case. We hope to have more information on this in the next report.

Bearing in mind that the Mission's withdrawal is scheduled for 15 October 2019, coinciding with the elections scheduled for that same month, we consider it important to provide the required electoral assistance and that the Haitian authorities move forward with the adoption of the electoral law and updating the electoral rolls. We also consider it important that the transition take into account the evolution of security conditions and the overall capacity of Haitian institutions to guarantee stability. Even if the National Police is able to maintain internal order without the support of the Mission, the impact on the other areas of support must be considered, particularly in the area of the rule of law.

We wish to highlight the important role played by the Mission and the United Nations country team in all of these pending tasks, as well as the coordination role of the Secretariat in the framework of the reform process of the Organization's peace and security pillar. In this context, we believe it is important to strengthen cooperation with the Organization of American States and the Caribbean Community.

I conclude by reiterating Peru's commitment to continuing to support the efforts of the Government and the people of Haiti to forge sustainable peace.

Mr. Ndong Mangue (Equatorial Guinea) (*spoke in Spanish*): In thanking the delegation of Côte d'Ivoire for including this important item on the December programme of work, I would also like to welcome Ms. Helen Meagher La Lime, the new Special Representative for Haiti and Head of the United Nations Mission for Justice Support in Haiti (MINUJUSTH), for her clear, detailed and most informative briefing. We also assure her that the Republic of Equatorial Guinea is entirely at her disposal, in the confidence that her academic profile and professional experience will add great value to the responsibilities entrusted to her.

The delegation of Equatorial Guinea is alarmed by recent events that have taken place in Haiti over the past quarter, characterized by popular revolts that have caused loss of human life, numerous injuries and considerable material damage. Our most heartfelt condolences go to the Government of Haiti and the families affected. The July protests targeting fuel subsidies, as well as more recent ones denouncing the mismanagement of PetroCaribe funds and a lack of improvement in the provision of social services, underscore the importance of a socioeconomic policy that covers all social strata and demands more from those responsible for its management.

We note the efforts of President of the Republic, His Excellency Mr. Jovenel Moïse, and his Government to resolve that situation through a series of measures, such as the decision to eliminate subsidies for petroleum products and the subsequent presentation of his approach to the Prime Minister to provide all the necessary support to the relevant institutions, in particular the judicial system, in the investigation of complaints concerning the mismanagement of PetroCaribe funds. Such efforts show his willingness to positively respond to the demands of the population. In that regard, we call on the parties involved to remain calm and support the Government's initiative, which has opened a space to investigate the complaints that have been raised.

We welcome the enactment in October of a bill on the creation, organization and functioning of the National Council for Legal Aid, which establishes the legal framework for Haitians to access legal advice, regardless of their social status. That bill represents an important milestone in the effort to reverse the increase in pretrial detentions. The importance of the presence of women in the State's strategic decision-making circles must be stressed. To that end, the Government must achieve the minimum 30 per cent set forth in the Constitution, and not only in departments traditionally occupied by women.

As we near the end of the pre-election year, my delegation urges political actors, civil society and the Government not to influence action that could incite the population to violence, with a view to guaranteeing a safe environment to facilitate the holding of next year's elections, which will be an indicator for the stability and development of the country. In that regard, we commend both the Government's commitment to holding elections on time and its request for United Nations electoral assistance.

With regard to the humanitarian situation, it is important to highlight the important role of MINUJUSTH and other United Nations agencies, which, following the earthquake of 6 October, collaborated on national rescue activities by providing support to the Haitian National Police in the affected areas. Similarly, we commend the support provided during the rainy season, which significantly thwarted the anticipated increase in cholera cases, with new suspected cases declining nationally to an average of 46 per week in September and the first week of Octobe,, compared with 301 suspected weekly cases during the same period in 2017.

Despite the efforts of the Government and the United Nations system in Haiti, we are convinced that much remains to be done to achieve the objectives of MINUJUSTH's exit strategy. It is therefore obvious that important aspects remain difficult to achieve, such as the adoption and, above all, the implementation of laws that are considered to be indispensable to strengthening the rule of law in Haiti. To that end, the leaders and the general population, with the support of MINUJUSTH and the United Nations country team, as well as the international community, should make continuous efforts to ensure an effective and safe transition that ensures sustainable and lasting development in the country.

Mr. Temenov (Kazakhstan): First of all, we join others in thanking Special Representative Helen La Lime for her informative briefing. Since this is her first briefing as Special Representative, we would like to

congratulate her on assuming this important position and wish her every success in all her endeavours.

Kazakhstan would like to commend the United Nations Mission for Justice Support in Haiti (MINUJUSTH) for implementing a number of important projects and initiatives, in close cooperation with the Government and civil society of Haiti. We also commend the professional operations of the Haitian National Police (HNP) during the nationwide demonstrations on 17 October and 18 November. We call upon the Government of Haiti to make sure that the HNP strategic development plan is implemented efficiently and in a timely manner in order to further enhance professional training and experience. With a view to consolidating security and stability in the country, it is critical that MINUJUSTH maintain its focus on HNP capacity-building.

The recent massive demonstrations have underscored the importance of building broad-based political support to implement key economic reforms and rebuild trust and public confidence in the Government's institutions, thereby creating the necessary conditions and legal framework to attract investments. We consider all those steps essential for fostering development.

In that regard, we encourage the Government to redouble its efforts to strengthen the rule of law, fight impunity and address corruption, which are the basic prerequisites for long-term stability in Haiti, especially in the light of the upcoming elections in 2019. That will require the concerted efforts of key actors from all branches of the Government, Parliament, judicial system and civil society to work together towards that common goal.

It is necessary to focus on ensuring that the objectives of the MINUJUSTH exit strategy are implemented in a coordinated manner. As the United Nations system prepares for a smooth and effective transition towards a non-peacekeeping United Nations presence, we also draw the attention of the different United Nations entities on the ground and at Headquarters to continue working as One United Nations through a more integrated and coordinated approach. It is necessary to break down silos so as to achieve optimal results for sustainable development in Haiti.

In conclusion, we strongly believe that the Government, the Mission, the United Nations country team and all international and regional partners should continue to work together to plan for the transition and beyond. It will also be absolutely vital to anticipate, address and mitigate all challenges that may emerge from the transition towards a non-peacekeeping United Nations presence in Haiti.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of the Côte d'Ivoire.

I would like to express my sincere thanks to Ms. Helen La Lime, Special Representative and Head of the United Nations Mission for Justice Support in Haiti (MINUJUSTH), for her presence and the quality of her briefing. Côte d'Ivoire remains concerned about developments in Haiti. Indeed, the violent social demonstrations of recent months, which have resulted in the loss of human lives and significant material damage, clearly show that this precarious situation requires continued joint national and international efforts for lasting stability in Haiti. In that regard, Côte d'Ivoire welcomes MINUJUSTH's commitment to working with the Haitian authorities to carry out the activities related to its mandate, as outlined in the Secretary-General's latest report (S/2018/1059).

The Secretary-General's report calls for our comments on the following points: the sociopolitical and economic situation, the security situation, and the implementation of the MINUJUSTH withdrawal and the transition strategy.

On the sociopolitical and economic level, the persistent crises in Haiti often reflect the socioeconomic difficulties and political tensions that characterize the country. Unfortunately, they jeopardize the ongoing reconstruction efforts. In response to that worrying situation, my delegation reiterates the need to address the root causes of the crisis. It therefore recommends that concrete measures be considered to alleviate the daily difficulties of the people, combat corruption and shed light on allegations of mismanagement of PetroCaribe funds.

My delegation also welcomes the appointment of a Minister-delegate for Human Rights and the Fight against Extreme Poverty and urges the Haitian authorities to pursue their relentless efforts to restore stability in their country. We also call for the promotion of an inclusive national dialogue that would contribute significantly to easing the political climate and to implementing the principle of accountability, and

a guarantee of the independence of judges who must conduct the necessary judicial proceedings. It is therefore imperative that the international community continue to support the Haitian authorities in order to help them establish conditions conducive to political stability and the holding of peaceful, credible and transparent elections in October 2019.

With regard to the security situation, my delegation welcomes the joint initiatives undertaken by the Haitian authorities, in liaison with MINUJUSTH, to reduce the level of violence and significantly strengthen security. In that regard, we welcome the implementation of the community violence reduction programme in hot-spot areas.

My delegation encourages the continuation of these beneficial initiatives, which contribute to strengthening stability and security efforts by raising public awareness of security and rule of law issues and improving people's confidence in the Haitian National Police and rule of law institutions. However, Côte d'Ivoire remains concerned about the persistent violence carried out by criminal gangs, recurring violent protests and the conditions in Haitian prisons. In view of this situation, my delegation urges the various parties, in particular the Haitian authorities, to redouble their efforts to maintain a stable environment and to accelerate the necessary legislative reforms in order to ensure the strengthening of the rule of law.

With regard to the MINUJUSTH exit and transition strategy, my delegation welcomes the Mission's support for Haitian Government institutions in the areas of justice, human rights and security. It also welcomes the outstanding work done by MINUJUSTH in combating violence and sexual exploitation. We are particularly pleased by the progress made in the implementation of the Mission's mandate, in line with the previously defined objectives.

However, we remain concerned about the report's conclusions with regard to the difficulties encountered in improving the benchmarks. To that end, my delegation urges the Government of Haiti to fully cooperate with the United Nations for the success of the priority tasks identified in advance in order to create the conditions for a successful, smooth and effective transition without a United Nations peacekeeping presence. It calls on the international community to support the Haitian Government in achieving the objectives of the 2030 Agenda for Sustainable Development and to support it in the implementation of the 2018 humanitarian response plan.

I congratulate all United Nations staff who are working tirelessly and sometimes in difficult conditions to build peace and development in Haiti. I also express my country's solidarity with the Haitian people and Government in their quest for stability, peace and development.

In conclusion, I urge all parties to work towards the success of the goals that have been set for the exit strategy of MINUJUSTH in 2019.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Haiti.

Mr. Regis (Haiti) (*spoke in French*): Allow me at the outset to thank the President of the Security Council for having generously invited the Haitian delegation to share its views and comments on the report (S/2018/1059) submitted by the Secretary-General on the United Nations Mission for Justice Support in Haiti (MINUJUSTH), in accordance with resolution 2410 (2018). My delegation has given its utmost attention to the findings, observations and recommendations of that report.

While taking into account the difficulties and problems encountered, such as the recent unrest in the country, the Secretary-General also details the progress made by the Government of Haiti in achieving, as it has pledged to do, the various objectives, targets and deadlines jointly established under the Council's mandate for MINUJUSTH. The Secretary-General's report highlights the significant improvements and successes in the transition to a non-peacekeeping United Nations presence in Haiti. They also build on the major progress made by the country in recent years in all the areas that are considered vital to strengthening the rule of law — be they justice, security, corrections or human rights protection. The results speak for themselves.

The Secretary-General rightly underscores the professionalism of the Haitian National Police (HNP), which has demonstrated its ability to professionally manage the mass protests throughout the country, as seen on 17 October and 18 November.

The adoption of the legal aid law is certainly another important milestone

in improving access to justice. Critical steps have been taken in other areas, as evidenced by the measures taken to strengthen human rights protection mechanisms within the executive branch, as well as the improvement of the managerial and operational capacities of the penitentiary system. The decline in the homicide rate is one noteworthy indicator. The rate decreased by 4.2 per cent to 6.22 homicides per 100,000 inhabitants, one of the lowest levels in the Caribbean, as noted in the report. Meanwhile, elsewhere in Latin America and the Caribbean, homicide rates are 10 to 20 times higher than the global average, at more than 80 per 100,000 inhabitants, according to a recent study by the Inter-American Development Bank.

There are certainly grounds to welcome the progress achieved thanks to the joint efforts of the Haitian authorities and the United Nations Mission. However, with regard to certain indicators considered to be essential to the strengthening of the rule of law, the delays clearly underline the urgent need to redouble efforts at various levels. The Government is fully aware of that. Indeed, much remains to be done, as the Secretary-General points out, to fully achieve all the objectives agreed for the MINUJUSTH exit strategy.

The Government has taken note of those concerns and renews its firm commitment to doing its utmost to honour all its commitments, accelerate change and complete the agreed reforms in order to remedy the persistence of the noted shortcomings, failures and delays, particularly with regard to the dysfunctions of the justice system; the issue of prolonged pretrial detention, and its corollary, overcrowded prisons; the effective implementation of the national police strategic development plan for the period 2017-2021, including through an improved mobilization of resources at both the national and international levels; and allegations of human rights abuses by State institutions and law enforcement officials.

The Secretary-General also echoes some concerns about the overall situation in Haiti and the corresponding risk of destabilization. Everyone agrees that the country has been sorely tried of late. Beyond the allegations related to the PetroCaribe case, the turbulence of the past four months undoubtedly reflects a deterioration in the economic situation, exacerbating the difficulties faced by the vast majority of the population, which suffers extreme poverty. In addition, the prevailing humanitarian situation is complex, as evidenced by the tragic lack of essential infrastructure, the impact of the cholera epidemic, and the massive repatriation of tens of thousands of Haitian migrants from the Dominican Republic, not to mention the consequences of the environmental crisis and the country's extreme vulnerability to natural disasters.

Fortunately, the crisis is being contained through the Government's dialogue with key stakeholders. My delegation reiterates its deep appreciation for the international community's unwavering support following the recent events, especially in the light of the unreasonable demands of a fringe of the opposition. My delegation highly appreciates the support provided by the United Nations system and other partners in the area of security, including in the disarmament of gangs and the reintegration of individuals who have not committed violent crimes. It should be stressed that neither political stability, nor democratic achievements, nor the rule of law, to which the Haitian people remain deeply attached, have ever been threatened.

The President of the Republic, Mr. Jovenel Moïse, has solemnly pledged to undertake the necessary reforms, including by waging a relentless fight against corruption. That fight has begun to bear fruit. The recent actions taken by Prime Minister Jean Henry Céant and the judicial authorities leave no doubt of the Haitian Government's unwavering resolve to fully investigate allegations of mismanagement of PetroCaribe funds and to ensure that justice is rigorously and impartially carried out in the full respect for the rule of law. A calm social environment within the framework of growth and the creation of economic opportunities is essential to the consolidation of the rule of law and democratic achievements.

My delegation has repeatedly sounded the alarm about the adverse effects of the sustained decline in official development assistance to Haiti in recent years, especially at a time when problems are particularly acute. Humanitarian aid is no exception. The Secretary-General rightly deplores the fact that the 2018 humanitarian response plan, which earmarks $252 million in assistance to more than 2 million people in need, has so far been funded only to 11.2 per cent.

The same applies to the new United Nations approach to cholera. At this critical stage, it must be recognized that assistance to victims and their families, as well as the provision of essential health, sanitation and drinking water infrastructure, remain severely

underfunded. The Secretary-General's appeals for adequate funding for the United Nations Haiti Cholera Response Multi-Partner Trust Fund have remained largely unanswered. This situation is a cause for concern. The Haitian delegation has therefore endorsed the Secretary-General's renewed call on all relevant actors, including Haiti's cooperation partners, to take short-term measures to meet the immediate needs of the Haitian people and to alleviate their difficult situation. A renewal of international solidarity is crucial at this juncture.

Beyond humanitarian assistance and above all, the country needs a real international mobilization of resources to ensure stable, substantial and predictable financing for its development; the rapid revival of public investment in infrastructure and social programmes, which have stalled for too long; and the rebound of strong growth, which will help to reduce poverty. That is undoubtedly a prerequisite for achieving the long-term political and institutional stability desired by the Haitian people and the international community.

The Secretary-General's midterm review of MINUJUSTH highlights the important milestones achieved over the past 14 months in the long-term process of strengthening the institutions that guarantee the rule of law and the protection of human rights in Haiti. At the same time, the Secretary-General's report also highlights the magnitude of the problems, needs and short- and long-term challenges facing the country. There is total agreement between the Government of Haiti and the United Nations system on the scope of the task ahead and the efforts required to achieve the agreed targets and benchmarks established as part of MINUJUSTH's exit strategy. Happily, none of the remaining obstacles is insurmountable.

For its part, the Government reiterates its commitment to ensuring that it will overcome the obstacles that may have delayed the carrying out of certain scheduled activities, resulted in the postponement of certain deadlines or hindered the achievement of certain benchmarks that the Secretary-General has correctly identified as essential. New and significant challenges lie ahead in the coming months. In particular, next year's parliamentary elections will be a major test of the maturity, consolidation and stability of our institutions. The Government is already doing everything in its power to enable the nation to successfully meet that challenge. In that regard, it is counting on the full cooperation of the United Nations system.

Lastly, the Government assures the Council that it will take the necessary action to follow up on the recommendations of the Secretary-General. It will spare no effort to strengthen the population's trust in the institutions of the Republic of Haiti, pursue priority reforms, intensify cooperation with the Parliament and the country's political actors in order to meet the immediate needs of the people. It will remain determined to work to strengthen the rule of law and maintain a stable political climate, thereby ensuring a smooth transition to a post-MINUJUSTH era in Haiti — no longer on the basis of Chapter VII of the Charter of the United Nations on peacekeeping, but on that of the Haitian people's just aspirations for sustainable development by 2030.

The President (*spoke in French*): I now give the floor to the observer of the European Union.

Mr. Christiane (*spoke in French*): The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania; the candidate countries; as well as the Republic of Moldova and Ukraine, align themselves with this statement.

I sincerely thank you, Sir, for giving me the floor at today's debate on Haiti, in which the European Union is always honoured to participate. I also thank the Secretary-General for his report (S/2018/1059) and the Special Representative of the Secretary General, Ms. La Lime, for her briefing.

The European Union is concerned about the overall situation in Haiti, which could be described as an economic, financial, social, security and governance crisis. Since July, Haiti has again been experiencing a period of political and security-related instability. Challenges to the new Government and President Moïse have emerged against a backdrop of demonstrations and riots in the country's main cities. Several instances of violence resulted in loss of life and looting in July, as people protested against rising fuel prices and the mismanagement of PetroCaribe funds. Other protests were organized in October. They were better planned and included the deployment of the Haitian National Police, which managed to curb tensions and reduce collateral damage, despite some instances of violence and repression. Another demonstration took place on 18 November, followed by sporadic outbreaks of violence orchestrated by armed gangs, although that

call to violence was not heeded to the same extent as those before it. The country also faces soaring inflation, which is tied to the national currency's loss in value against the United States dollar.

In that regard and given the political instability in the country at the end of the former President's term of office and throughout the last electoral cycle, the European Union believes that it is essential to hold parliamentary elections for the Chamber of Deputies and the Senate, within the time limits provided for in the Constitution. Respect for the legitimacy of democratically elected institutions and the regular cycle of elections appears, in parallel and in complementarity with national dialogue, to be sine qua non to the functioning of democracy in Haiti.

As indicated in the benchmarks for an exit strategy prepared by United Nations Mission for Justice Support in Haiti, consensus-based and far-reaching reform of the electoral system would be a key element in preventing further crises and regaining the trust of the population. It appears that the adoption of the two draft electoral laws, prepared by the executive branch, could be complicated. It is therefore essential that the Haitian authorities and parliamentarians work together to organize legislative elections in October 2019. We hope that the elections will be held as scheduled and in the best possible conditions.

The European Union is and will remain a faithful partner of the Republic of Haiti. It remains committed to supporting the country at this sensitive juncture, in consultation with other partners, including in the much-needed reform process. We expect the Haitian authorities to promote the political dialogue required to reach an agreement and ease tensions. To that end, we support the efforts of the Prime Minister.

The European Union supports the work done by MINUJUSTH in support of the development of the Haitian National Police, justice, the rule of law and the protection and promotion of human rights. However, we share the concerns expressed in the latest report of the Secretary-General that the security situation remains fragile and that progress on many benchmarks is insufficient. The continued failure of the Haitian National Police and national authorities to control gang violence, along with accusations of collusion and other problems, is of particular concern. The European Union is concerned about the ability of the Haitian National Police to operate effectively after the withdrawal of MINUJUSTH. It is therefore crucial to complete the work of strengthening and professionalizing the Haitian National Police and to continue focusing on the reform and strengthening of the justice and prison systems and the consolidation of human rights. The departure of MINUJUSTH is scheduled for the same month as the scheduled elections, which have always been linked to instability throughout Haiti's history. That is why it is so important that the elections be held on the dates scheduled.

In conclusion, I reiterate the European Union's gratitude to MINUJUSTH for its contribution in the areas of security, conflict prevention and the strengthening of democracy and the rule of law in Haiti. We believe that the structural causes of instability in the country have not been addressed and that, unfortunately, the political and security situation remains very fragile. Special attention to ensuring respect for human rights in the work of the security forces, as well as access to impartial justice for all, which will be especially necessary. It is essential that the Haitian police and judicial system be effectively prepared to assume in the future all of the duties currently discharged by the United Nations Mission. We believe that organizing the transition of MINUJUSTH will be fundamental in that respect. Together with the United Nations and the international community, the European Union will support the Haitian authorities in building on their commitment and efforts to ensure a better future of peace, democracy, stability and well-being for the Haitian people, who, after so long, deserve nothing less.

The father of Alexandre Dumas, author of *The Count of Monte Cristo*, was born in Haiti. Following in his footsteps, the time has come for the Haitian people to gain access to the treasure trove of happiness after having endured the unjust prison of misfortune.

The meeting rose at 5 p.m.

United Nations S/PV.8420

Security Council

Seventy-third year

Provisional

8420th meeting
Thursday, 13 December 2018, 10 a.m.
New York

President:	Mr. Adom	(Côte d'Ivoire)
Members:	Bolivia (Plurinational State of)	Mrs. Cordova Soria
	China	Mr. Wu Haitao
	Equatorial Guinea	Mr. Ndong Mba
	Ethiopia	Ms. Guadey
	France	Mrs. Gueguen
	Kazakhstan	Mr. Umarov
	Kuwait	Mr. Alotaibi
	Netherlands	Mr. Blok
	Peru	Mr. Meza-Cuadra
	Poland	Mr. Radomski
	Russian Federation	Mr. Polyanskiy
	Sweden	Mr. Skoog
	United Kingdom of Great Britain and Northern Ireland	Mr. Clay
	United States of America	Mr. Cohen

Agenda

United Nations peacekeeping operations

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18-43631 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

United Nations peacekeeping operations

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2018/1109, which contains the text of a draft resolution submitted by Côte d'Ivoire, Equatorial Guinea, Ethiopia, France, the Netherlands, Peru, Poland, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The Council is ready to proceed to the vote on the draft resolution before it.

I shall now make a statement before the vote in my capacity as representative of Côte d'Ivoire.

I am particularly delighted to take the floor at this meeting of the Security Council, which serves as the framework for our adoption of draft resolution S/2018/1109, on police, justice and corrections. Côte d'Ivoire welcomes the forthcoming adoption of the draft resolution, the result of its exemplary cooperation with the Kingdom of the Netherlands. We thank all the States members of the Council for their positive contributions and broad commitment to the maintenance of international peace and security.

It will be recalled that in May, our two countries' shared commitment and our joint efforts to promote international peace and security led to the adoption of resolution 2417 (2018), in which the Council called the attention of the international community to the link between armed conflict and food insecurity. Côte d'Ivoire considers the draft resolution to be adopted by the Council today extremely important, in that it addresses issues that are at the heart of our recent history. The restoration and strengthening of the capacities of our police, judicial and correctional institutions were major achievements in the cooperation between my country's Government and the United Nations Operation in Côte d'Ivoire, and were among the factors that led to the universally recognized success of United Nations action in my country. In our desire to share the many lessons learned in its 13-year experience of peacekeeping, Côte d'Ivoire has therefore undertaken the crucial task of helping to ensure that this project comes to fruition. We hope that the draft resolution will guide United Nations peacekeeping now and in the future.

I now resume my functions as President of the Security Council.

I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bolivia (Plurinational State of), China, Côte d'Ivoire, Equatorial Guinea, Ethiopia, France, Kazakhstan, Kuwait, Netherlands, Peru, Poland, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in French*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2447 (2018).

I now give the floor to those members of the Council who wish to make statements after the voting.

I give the floor to the Minister for Foreign Affairs of the Kingdom of the Netherlands.

Mr. Blok (Netherlands): Let me start by thanking Cote d'Ivoire for its excellent partnership on resolution 2447 (2018), as well as on resolution 2417 (2018), on conflict and hunger, which was adopted earlier this year, and on the draft resolution on improving peacekeeping mandates, which is still being negotiated. I would also like to express my gratitude to all Council members for bringing about this resolution, which is an important text that underlines the Council's responsibility in the area of police, justice and corrections.

I should like to cite our main reasons for pushing for the resolution, which so perfectly reflects the priorities of our Council membership this year, in the course of which we have constantly stressed the importance of the rule of law in preventing conflict and sustaining peace and underlined the responsibility of the Security Council in that regard. The resolution is a major step forward.

First, it recognizes that there can be no lasting peace without justice. It gives the Security Council a practical tool to focus on this issue in mandates of peacekeeping operations — learning, of course, from good examples

from the past, such as the special Prosecution Support Cells established by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. Without their assistance, serious crimes, including sexual violence, would have gone unpunished. I would also point to the Justice and Corrections Section of the United Nations Multidimensional Integrated Stabilization Mission in Mali, which helped improve conditions of detention in Mali, reducing human rights violations and preventing further radicalization. With the United Nations Assistance Mission for Iraq, we also pushed for a stronger focus on accountability in the mandate, increasing the chances for sustainable peace and stability.

Secondly, the resolution very clearly assigns responsibilities where they belong. It not only invites the Security Council to adequately include tasks related to the rule of law as part of the mandate, but also urges host countries to combat impunity and promote accountability.

Thirdly, the resolution stresses the importance of sound cooperation and coordination among the broad range of actors working on the rule of law in the context of peacekeeping operations, making use of joint analyses, programming and planning, as well as data, benchmarks and other evaluation tools to improve the United Nations performance and effectiveness in consolidating peace.

Lastly, it underlines the importance of gender in United Nations missions and of better prevention and responses to gender-based violence. It cites the aim of doubling the number of women in the police contingents of United Nations peacekeeping operations by 2020. It will thus contribute to a goal shared by all of us around this table, that of making peacekeeping operations more effective by addressing elements across the conflict spectrum.

We are proud that today, near the end of our term as a Security Council member, resolution 2447 (2018) has been adopted unanimously. It delivers perfectly on our three main priorities — prevention, better peacekeeping and accountability, and the rule of law. Indeed, it seems to embody a slogan that my country has been heard to use several times in the Council and that I will repeat again today — there can be no peace without justice.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): The Russian Federation voted in favour of resolution 2447 (2018), drafted by the delegations of the Netherlands and Côte d'Ivoire, on strengthening United Nations support in the areas of police, justice and corrections in peacekeeping operations.

The negotiations were not easy, especially in their initial stages. Nevertheless, the authors of the draft proved willing to listen to the conceptual concerns of other States, which helped to break the deadlock in the process. The desire to strike a balance among the interests of all 15 members of the Security Council enabled a result that initially seemed impossible, the achievement of consensus on the resolution. In that connection, I would like to thank the Netherlands and Côte d'Ivoire for the professionalism and flexibility they showed during the work on the text, which enabled the Council to present a united front. We need more such diplomatic successes in our work.

We also hope that there will be a similarly constructive approach to the negotiation process on the other draft resolution, on peacekeeping, proposed by the same delegations. For the moment, unfortunately, there are still significant differences of opinion about it, which should compel us to come up with alternative options. We hope that other delegations besides the co-facilitators will respect one another's red lines with a view to arriving at compromise solutions and unity in the Council.

The meeting rose at 10.20 a.m.